General Assembly

Bill No. 7507

June Special Session, 2001

LCO No. **9203**

Referred to Committee on No Committee

Introduced by:
REP. LYONS, 146th Dist.
SEN. SULLIVAN, 5th Dist.

AN ACT CONCERNING THE EXPENDITURES OF THE OFFICE OF POLICY AND MANAGEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 4d-81 of the general statutes is repealed and the following is substituted in lieu thereof:

There is established an Educational Technology **[**Fund**]** Account. The Commission for Educational Technology shall deposit in said **[**fund**]** account any private donation, bequest or devise made to it to assist in the attainment of the state-wide technology goals established pursuant to subdivision (2) of subsection (c) of section 4d-80. Said **[**fund**]** account is intended to be in addition to those resources that are appropriated by the state for technology purposes. The commission shall use the resources of the **[**fund**]** account for activities related to the attainment of such goals.

Sec. 2. The costs increases associated with the collective bargaining contract covering the Board of Education and Services for the Blind

Industries Division "360" payroll employees shall be funded from the General Fund by transfer from the Reserve for Salary Adjustment Account. Amounts to be transferred shall be in accordance with those estimates prepared under subsection (b) of section 5-278 of the general statutes.

Sec. 3. Subsection (a) of section 16a-27 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The secretary, after consultation with all appropriate state, regional and local agencies and other appropriate persons shall prior to March 1, **[**1997**]** 2003, complete a revision of the existing plan and enlarge it to include, but not be limited to, policies relating to transportation, energy and air. Any revision made after May 15, 1991, shall identify the major transportation proposals, including proposals for mass transit, contained in the master transportation plan prepared pursuant to section 13b-15. Any revision made after July 1, 1995, shall take into consideration the conservation and development of greenways that have been designated by municipalities and shall recommend that state agencies coordinate their efforts to support the development of a state-wide greenways system. The Commissioner of Environmental Protection shall identify state-owned land for inclusion in the plan as potential components of a state greenways system.

Sec. 4. Subsection (a) of section 16a-28 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The secretary shall present a draft of the revised plan of conservation and development for preliminary review to the continuing legislative committee on state planning and development prior to September first in **[**1996**]** 2002 and prior to September first in each prerevision year thereafter.

Sec. 5. Subsection (a) of section 46a-57 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) The Governor shall appoint three human rights referees for terms commencing October 1, 1998, and four human rights referees for terms commencing January 1, 1999. The human rights referees so appointed shall serve for a term of one year.

(2) (A) On and after October 1, 1999, the Governor shall appoint seven human rights referees with the advice and consent of both houses of the General Assembly. **[**When the General Assembly is not in session, any vacancy shall be filled pursuant to the provisions of section 4-19.**]** The Governor shall appoint three human rights referees to serve for a term of two years commencing October 1, 1999. The Governor shall appoint four human rights referees to serve for a term of three years commencing January 1, 2000. Thereafter human rights referees shall serve for a term of three years. The Governor may remove any human rights referee for cause.

(B) On and after July 1, 2001, there shall be five human rights referees. Each of the human rights referees serving on the effective date of this act shall complete the term to which such referee was appointed. Thereafter, human rights referees shall serve for a term of three years.

(3) When the General Assembly is not in session, any vacancy shall be filled pursuant to the provisions of section 4-19.

Sec. 6. Notwithstanding the provisions of section 3-99c of the general statutes, the costs incurred by the Secretary of the State in implementing the state-wide centralized voter registration system in all municipalities in the state during the fiscal years ending June 30, 2002, and June 30, 2003, shall be paid from the commercial recording account established under said section 3-99c, up to $700,000 during each said fiscal year.

Sec. 7. Section 6-33 of the general statutes is repealed and the following is substituted in lieu thereof:

[The**]** Commencing July 1, 2001, the sheriffs elected in the several counties shall each receive **[**salaries**]** a salary of one dollar annually. **[**as follows: The sheriffs of the counties of New Haven, Hartford, Fairfield and New London, thirty-seven thousand dollars each; the sheriffs of the counties of Middlesex, Tolland, Litchfield and Windham, thirty-five thousand dollars each.**]** Said salaries shall be paid by the state and shall be in full compensation for the performance of all duties required by law to be performed by any of said sheriffs for the state of Connecticut. Said salaries shall be in lieu of all other salaries paid by the state to said sheriffs. Commencing December 1, 2000, the Department of Administrative Services shall be responsible for the administrative functions of the Office of the County Sheriffs.

Sec. 8. Section 6-38b of the general statutes is repealed and the following is substituted in lieu thereof:

(a) There is established a State Marshal Commission which shall consist of eight members appointed as follows: (1) The Chief Justice shall appoint one member who shall be a judge of the Superior Court; (2) the speaker of the House of Representatives, the president pro tempore of the Senate, the majority and minority leaders of the House of Representatives and the majority and minority leaders of the Senate shall each appoint one member; and (3) the Governor shall appoint one member who shall serve as chairperson. No member of the commission shall be a state marshal, except that two state marshals appointed by the State Marshals Advisory Board in accordance with section 6-38c shall serve as ex officio, nonvoting members of the commission.

(b) The chairperson shall serve for a three-year term and all appointments of members to replace those whose terms expire shall be for terms of three years.

(c) No more than four of the members, other than the chairperson, may be members of the same political party. Of the seven nonjudicial members, other than the chairperson, at least three shall not be

members of the bar of any state.

(d) If any vacancy occurs on the commission, the appointing authority having the power to make the initial appointment under the provisions of this section shall appoint a person for the unexpired term in accordance with the provisions of this section.

(e) Members shall serve without compensation but shall be reimbursed for actual expenses incurred while engaged in the duties of the commission.

(f) The commission, in consultation with the State Marshal's Advisory Board, shall adopt regulations in accordance with the provisions of chapter 54 to establish professional standards, including training requirements and minimum fees for execution and service of process. **[**Such standards and requirements shall be in force and effect by December 1, 2000.**]**

(g) The commission shall be responsible for the equitable assignment of service of restraining orders to the state marshals in each county and ensure that such restraining orders are served expeditiously. Failure of any state marshal to accept for service any restraining order assigned by the commission or to serve such restraining order expeditiously without good cause shall be sufficient for the convening of a hearing for removal under subsection (j) of this section.

[(g)**]** (h) Any vacancy in the position of state marshal in any county as provided in section 6-38 shall be filled by the commission with an applicant who shall be an elector in the county where such vacancy occurs. Any applicant for such vacancy shall be subject to the application and investigation requirements of the commission.

[(h)**]** (i) Except as provided in section 6-38f, no person may be a state marshal and a state employee at the same time.

[(i)**]** (j) No state marshal may be removed except by order of the

commission for cause after due notice and hearing.

[(j)**]** (k) The commission may adopt such rules as it deems necessary for conduct of its internal affairs and shall adopt regulations in accordance with the provisions of chapter 54 for the application and investigation requirements for filling vacancies in the position of state marshal.

[(k)**]** (l) The commission shall be **[**an autonomous body within the Judicial Department for fiscal and budgetary purposes only.**]** within the Department of Administrative Services for administrative purposes only.

Sec. 9. Section 6-38f of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) Notwithstanding the provisions of section 6-38, **[**until the appointment of members of**]** the State Marshal Commission **[**under section 6-38b, the Chief Court Administrator is authorized to**]** shall appoint as a state marshal any eligible individual who applies for such a position. **[**Any eligible individual appointed prior to December 1, 2000, shall have the same powers, duties and liabilities as a deputy sheriff from the date of such individual's appointment until December 1, 2000.**]** For purposes of this section "eligible individual" means an individual who was a deputy sheriff or special deputy sheriff of a corporation on or after May 31, 1995, who had served as a deputy sheriff or special deputy sheriff of a corporation for a period of not less than four years and who has submitted an application to the **[**Chief Court Administrator on or before June 30, 2000**]** State Marshal Commission on or before July 31, 2001, provided any such eligible individual submitted an initial application dated on or before June 30, 2000.

(2) For the purpose of showing proof that one has served as a deputy sheriff, as required by this subsection, information contained in the Connecticut State Register and Manual shall be accepted as

evidence.

(3) Any person authorized to apply for appointment as a state marshal pursuant to this section who is determined not to be eligible for such appointment by the State Marshal Commission may appeal such determination to the Superior Court for the judicial district of Hartford in accordance with the procedures and time periods set forth in chapter 54.

(b) Except as provided in subsection (a) of this section:

(1) Any deputy sheriff serving as a deputy sheriff on April 27, 2000, shall notify the Chief Court Administrator on or before June 30, 2000, of the desire of such deputy sheriff to be appointed as a state marshal; **[**.**]**

(2) Any deputy sheriff performing court security, prisoner custody or transportation services on April 27, 2000, who desires to perform such functions as a judicial marshal, or desires to be appointed as a state marshal, shall so notify the Chief Court Administrator on or before June 30, 2000; **[**.**]** and

(3) The Chief Court Administrator shall notify, in writing, the State Marshal Commission of the decisions of the deputy sheriffs pursuant to subdivisions (1) and (2) of this subsection.

(c) **[**For**]** Except as provided in subsection (a) of this section, for purposes of the State Marshal Commission filling any vacancy in the position of state marshal in any county in accordance with subsection **[**(g)**]** (h) of section 6-38b, as amended by this act, **[**nothing in subsection (a) of this section shall be construed to authorize**]** the State Marshal Commission **[**to**]** shall not fill a vacancy in any county if the total number of state marshals in such county is equal to or exceeds the number allowed under section 6-38.

Sec. 10. (NEW) On and after July 1, 2001, each person who files a civil cause of action in the Superior Court, except a small claims case,

shall pay, in addition to the fee imposed by section 52-259 of the general statutes, a fee of five dollars.

Sec. 11. (NEW) (a) There is established a state marshal account which shall be a separate nonlapsing account within the General Fund. The account shall contain any moneys required by law to be deposited into the account. Any balance remaining in said account at the end of any fiscal year shall be carried forward in the account for the next fiscal year.

(b) Commencing October 1, 2001, and not later than October first each year thereafter, each state marshal shall pay an annual fee of two hundred fifty dollars to the State Marshal Commission.

(c) The additional fee paid to court pursuant to section 10 of this act and any fee collected pursuant to subsection (b) of this section, shall be deposited in the General Fund.

(d) The first $250,000 collected each fiscal year, pursuant to subsection (b) of this section, shall be credited to the state marshal account and be available for expenditure by the State Marshal Commission for the operating expenses of the commission. From the effective date of this act until July 1, 2006, the Secretary of the Office of Policy and Management shall review and approve or disapprove the budget of the commission.

(e) For the fiscal year ending June 30, 2002, the next $110,000 collected in subsection (b) of this section, shall be transferred to the Judicial Department and be available for expenditure by the Judicial Department for the operating expenses of the Commission on Racial and Ethnic Disparity.

Sec. 12. Subsection (b) of section 52-367b of the general statutes is repealed and the following is substituted in lieu thereof:

(b) If execution is desired against any such debt, the plaintiff requesting the execution shall notify the clerk of the court. In a IV-D

case, the request for execution shall be accompanied by an affidavit signed by the levying officer attesting to an overdue support amount of five hundred dollars or more which accrued after the entry of an initial family support judgment. If the papers are in order, the clerk shall issue such execution containing a direction that the officer serving the same shall, within seven days from the receipt by the officer of such execution, make demand (1) upon the main office of any banking institution having its main office within the county of such officer, or (2) if such main office is not within such officer's county and such banking institution has one or more branch offices within such county, upon an employee of such a branch office, such employee and branch office having been designated by the banking institution in accordance with regulations adopted by the Commissioner of Banking in accordance with chapter 54, for payment of any such nonexempt debt due to the judgment debtor and, after having made such demand, shall serve a true and attested copy of the execution, together with the affidavit and exemption claim form prescribed by subsection (k) of this section, with **[**his**]** such officer's doings endorsed thereon, with the banking institution officer upon whom such demand is made. If the officer serving such execution has made an initial demand pursuant to this subsection within such seven-day period, the officer may make additional demands on the main office of other banking institutions or employees of other branch offices pursuant to subdivision (1) or (2) of this subsection, provided any such additional demand is made not later than forty-five days from the receipt by the officer of such execution.

Sec. 13. (NEW) Notwithstanding the provisions of section 16-245m of the general statutes, the Department of Public Utility Control shall authorize the disbursement of a total of one million dollars in each month in the calendar year 2002 from the Energy Conservation and Load Management Funds established pursuant to said section 16-245m. The amount disbursed from each Energy Conservation and Load Management Fund shall be proportionately based on the receipts received by each fund. Such disbursements shall be deposited in the

General Fund and credited to a nonlapsing account in the Department of Public Works. Such funds shall be available to the Department of Public Works for energy conservation projects in state buildings.

Sec. 14. Section 16a-21 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person, firm or corporation shall sell at retail fuel oil or propane gas to be used for residential heating without placing the unit price, clearly indicated as such, the total number of units sold and the amount of any delivery surcharge in a conspicuous place on the delivery ticket given to the purchaser or **[**his**]** an agent of the purchaser at the time of delivery. No person, firm or corporation may bill or otherwise attempt to collect from any purchaser of fuel oil or propane gas an amount which exceeds the unit price multiplied by the total number of units stated on the delivery ticket, plus the amount of any delivery surcharge stated on the ticket. **[**No person, firm or corporation shall sell at other than retail fuel oil or propane gas without giving written notification of the unit price to any purchaser other than the ultimate consumer twenty-four hours before delivery. Each person, firm or corporation who sells, at other than retail, fuel oil or propane, shall provide the Secretary of the Office of Policy and Management with information concerning the price of fuel oil or propane gas currently being charged its customers. Such notice shall be mailed to the secretary at the same time and in the same manner as to the purchaser.**]** For the purpose of this section, unit price means the price per gallon computed to the nearest tenth of a whole cent.

(b) Any person, firm or corporation who violates subsection (a) of this section shall be fined not more than one hundred dollars for the first offense nor more than five hundred dollars for each subsequent offense.

Sec. 15. Subsection (a) of section 27 of senate bill 2002 of the current session is repealed and the following is substituted in lieu thereof:

(a) Any contract for the protection of open space entered into by the Commissioner of Environmental Protection with BHC Company, Aquarion or Kelda Group, jointly or individually, and The Nature Conservancy, **[**through**]** for purchase of land or interests in land from said companies shall be on such terms and conditions as are approved by the commissioner. Such terms and conditions shall provide for the filing on the land records in the town in which the land is located, restrictions or easements that provide that all land or interest in land subject to such purchase is preserved in perpetuity in its natural and open condition for the protection of natural resources and public water supplies. Such restrictions or easements may allow only those recreational activities which are not prohibited in subsection (c) of section 7-131d of the general statutes and shall allow for improvements and activities necessary only for land and natural resource management and safe and adequate potable water. Such permanent restrictions or easements shall be in favor of the State of Connecticut acting through the Commissioner of Environmental Protection. Such permanent restrictions or easements shall also include a requirement that the property be available to the general public for recreational purposes as permitted under subsection (c) of section 7-131d of the general statutes and shall allow for the installation of such permanent fixtures as may be necessary to provide such permitted recreational activities. The Department of Environmental Protection and the state are hereby authorized to carry out and fulfill their obligations under any such contract. In addition to such rights as said companies may have pursuant to chapter 53 of the general statutes, those rights in and to land or interests in land reserved by said companies in their conveyances to the state in accordance with the provisions of said contract shall be enforceable in equity.

Sec. 16. (NEW) Notwithstanding the provisions of sections 6-38f and 6-38g of the general statutes, any high sheriff may apply not later than October 1, 2001, to the State Marshal Commission for appointment as a state marshal and may be appointed as a state marshal, provided he or she complies with the provisions of subsection (h) of section 6-38b of

the general statutes and resigns the position of high sheriff on or before appointment as a state marshal.

Sec. 17. Subsection (b) of section 16-18a of the general statutes is repealed and the following is substituted in lieu thereof:

(b) The Department of Public Utility Control may retain consultants to assist in developing and implementing the public education outreach program pursuant to section 16-244d, provided the authorization to retain such consultants shall expire December 31, **[**2000**]** 2005, and provided further the reasonable and proper expenses for such services shall not exceed three hundred fifty thousand dollars in the aggregate. All reasonable and proper expenses accrued prior to January 1, 2000, shall be borne by electric companies or electric distribution companies, as the case may be. After the systems benefits charge begins to be collected on January 1, 2000, pursuant to section 16-245l, such companies shall recover those expenses that have been accrued by the companies up until said date through the systems benefits charge. On and after January 1, 2000, all reasonable and proper expenses shall be assessed directly through the systems benefits charge.

Sec. 18. Subsection (d) of section 16-244d of the general statutes is repealed and the following is substituted in lieu thereof:

(d) The department may retain a consultant in accordance with section 16-18a to assist in developing and implementing the public education outreach program, provided the authorization to retain such consultant shall expire December 31, **[**2000**]** 2005. The reasonable and proper expenses for retaining the consultant and implementing the outreach program shall be reimbursed through the systems benefits charge as provided in subsection (b) of said section 16-18a, as amended by this act.

Sec. 19. Subparagraph (C) of subdivision (1) of subsection (a) of section 31-222 of the general statutes is repealed and the following is

substituted in lieu thereof:

(C) (i) Service performed after December 31, 1971, by an individual in the employ of this state or any of its instrumentalities or in the employ of this state and one or more other states or their instrumentalities for a hospital or institution of higher education located in this state, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(7) of that act and is not excluded from "employment" under subparagraph (E) of this **[**subsection; and**]** subdivision;

(ii) Service performed after December 31, 1977, in the employ of this state or any political subdivision or any instrumentality thereof which is wholly owned by this state and one or more other states or political subdivisions, or any service performed in the employ of any instrumentality of this state or of any political subdivision thereof, and one or more other states or political subdivisions, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that act and is not excluded from "employment" under subparagraph (E) of this **[**subsection;**]** subdivision; and

(iii) Service performed after December 20, 2000, in the employ of an Indian tribe, as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), provided such service is excluded from "employment", as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that act, and is not excluded from "employment" under subparagraph (E) of this subdivision.

Sec. 20. Subparagraph (E) of subdivision (1) of subsection (a) of section 31-222 of the general statutes is repealed and the following is substituted in lieu thereof:

(E) For the purposes of subparagraphs (C) and (D) the term "employment" does not apply to service performed (i) in the employ of

(I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or (ii) by a duly ordained, commissioned or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of duties required by such order; or (iii) prior to January 1, 1978, in the employ of a school which is not an institution of higher education; after December 31, 1977, in the employ of a governmental entity referred to in subparagraph (C) of this **[**subsection**]** subdivision if such service is performed by an individual in the exercise of duties (I) as an elected official; (II) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision, or of an Indian tribe; (III) as a member of the state national guard or air national guard; (IV) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; (V) in a position which, under or pursuant to the laws of this state or tribal law, is designated as (i) a major nontenured policy-making or advisory position, or (ii) a policy-making position the performance of the duties of which ordinarily does not require more than eight hours per week; or (iii) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or (iv) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training; or (v) prior to January 1, 1978, for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or

penal institution.

Sec. 21. Section 31-225 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Each contributing employer who is subject to this chapter shall pay to the administrator contributions, which shall not be deducted or deductible from wages, at a rate which is established and adjusted in accordance with the provisions of section 31-225a, stated as a percentage of the wages paid by **[**him**]** said employer with respect to employment. In no event shall any employer be required to pay contributions on any amount of wages for which **[**he**]** said employer has previously paid contributions.

(b) Contributions shall be payable quarterly or for such shorter periods of not less than four weeks as the administrator may determine, provided no such contribution period shall include parts of two calendar quarters.

(c) Each contribution payment shall be made on or before the last day of the month next following the end of the period of employment with respect to which it is made. The administrator may make and publish regulations with reference to the details of the computation and payment of such contributions. Indian tribes or tribal units, which units include subdivisions, subsidiaries or business enterprises wholly owned by such Indian tribes, subject to sections 19 to 21, inclusive, of this act after December 20, 2000, shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the Unemployment Compensation Fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.

(d) In lieu of contributions required of employers subject to this chapter, the state shall pay into the Unemployment Compensation Fund an amount equivalent to the amount of benefits charged to the state as provided in section 31-225a, or may at its option make

payments as provided in subdivision (1) of subsection (g) of this section. The amount of payments required under this section to be made into the fund shall be ascertained by the administrator as soon as practicable after the end of each calendar quarter and shall be payable from the General Fund of the state, except as provided hereafter. If a claimant to whom benefits were paid was paid wages by the state during the base period from a special or administrative fund provided for by law, the payment into the Unemployment Compensation Fund shall be made from such special or administrative fund with the approval of the Secretary of the Office of Policy and Management. The payment by the state into the fund shall be made at such times and in such manner as the administrator may determine and prescribe.

(e) In lieu of contributions required of employers subject to this chapter, Indian tribes, towns, cities and other political and governmental subdivisions of the state and of the towns and cities may pay into the Unemployment Compensation Fund an amount equivalent to the amount of benefits charged to such Indian tribe, town, city or other political or governmental subdivision as provided in section 31-225a, or may at its option make payments as provided in subdivision (1) of subsection (g) of this section, provided Indian tribes shall determine if reimbursement for benefits paid is to be elected by the tribe as a whole, by individual tribal units or by combinations of the individual tribal units. The amount of payments required under this section to be made into the fund shall be ascertained by the administrator as soon as practicable after the end of each calendar quarter. The payments by such Indian tribe, town, city or political or governmental subdivision into the fund shall be made quarterly or at such times and in such manner as the administrator may determine and prescribe.

(f) Payment of any bill rendered by the administrator under subsection (e) of this section shall be made not later than thirty days after such bill was mailed to the Indian tribe, municipality or political or governmental subdivision concerned, to the chief executive officer,

clerk or other official or office having charge of making disbursements, or to the official or office designated by the Indian tribe, municipality or political governmental subdivision as authorized to receive such notices. Payments made under the provisions of subsection (e) of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the employer. Past due payments of amounts due hereunder or under subsection (e) of this section shall be subject to the same interest that applies to section 31-265 to past due contributions.

(1) Indian tribes or tribal units shall be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(2) Failure of the Indian tribe or tribal unit to make required payments, including assessment of interest and penalty, within ninety days of receipt of the bill, shall cause the Indian tribe to lose the option to make payments in lieu of contributions, as described in subsection (e) of this section, for the following tax year unless payment in full is received or a payment schedule has been approved by the administrator or the administrator's designee before contribution rates for the next tax year are computed.

(3) Any Indian tribe or tribal unit that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in subdivision (1) of this subsection, shall have the option reinstated if, after a period of one year, all contributions have been made timely, provided no contributions, payments in lieu of contributions for benefits paid, penalties or interest remain outstanding.

(4) Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalty, after all collection activities deemed necessary by the administrator have been exhausted, may cause services performed for such tribe to

not be treated as "employment" for purposes of subsection (a) of section 31-222, as amended by this act.

(5) The administrator may determine that any Indian tribe or tribal unit that loses coverage under subdivision (4) of this subsection may have services performed for such tribe again included as "employment" for purposes of subsection (a) of section 31-222, as amended by this act, if all contributions, payments in lieu of contributions, penalties and interest have been paid.

(6) The administrator shall notify the United States Internal Revenue Service and the United States Department of Labor of: (A) Any failure of an Indian tribe or tribal unit to make payments required under this section, including assessments of interest and penalty, within ninety days of a final notice of delinquency; and (B) any termination or reinstatement of coverage made under subdivisions (4) and (5) of this subsection.

(7) At the discretion of the administrator, any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, within sixty days after the effective date of its election, to: (A) Execute and file with the administrator a surety bond approved by the administrator, or (B) deposit with the administrator money or securities on the same basis as other employers with the same election option.

(8) Notices of payment and reporting delinquency to Indian tribes or tribal units pursuant to subsection (f) of this section shall include information that failure to make full payment within the prescribed time frame: (A) Shall cause the Indian tribe to be liable for taxes under the Federal Unemployment Tax Act; (B) shall cause the Indian tribe to lose the option to make payments in lieu of contributions; and (C) may cause any services performed in the employ of the Indian tribe to be excepted from the definition of "employment" as provided in subsection (a) of section 31-222, as amended by this act.

(g) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection, a nonprofit organization is an organization or group of organizations described in Section 501 (c) (3) of the Federal Internal Revenue Code which is exempt from income tax under Section 501 (a) of said code.

(1) Any nonprofit organization which, pursuant to subdivision (1) (D) of subsection (a) of section 31-222 is, or becomes, subject to this chapter on or after January 1, 1971, shall pay contributions under the provisions of subsection (a), unless it elects, in accordance with this subparagraph, to pay to the administrator for the unemployment fund an amount equal to the amount of regular and additional benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of such nonprofit organization. (A) Any nonprofit organization which is, or becomes, subject to this chapter on January 1, 1971, may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1971, provided it shall file with the administrator a written notice of its election within the thirty-day period immediately following July 1, 1971. (B) Any nonprofit organization which becomes subject to this chapter after January 1, 1971, may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which it so becomes subject by filing a written notice of its election with the administrator not later than thirty days immediately following the date of the determination that it is so subject. (C) Any nonprofit organization which makes an election in accordance with subparagraph (A) or subparagraph (B) of this subdivision shall continue to be liable for payments in lieu of contributions until it files with the administrator a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective, provided liability for payments in lieu of contributions shall continue for any benefits attributable to service in the employ of such organization while it was electing payments in lieu of contributions.

For purposes of benefit ratio and for billing purposes, an organization which terminates its election of payments in lieu of contributions shall be treated as two separate employers. (D) Any nonprofit organization which has been paying contributions under this chapter for a period subsequent to January 1, 1971, may change to a reimbursable basis by filing with the administrator not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year. (E) The administrator may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1970. (F) The administrator, in accordance with such regulations as **[**he**]** the administrator may prescribe, shall notify each nonprofit organization of any determination which **[**he**]** the administrator may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of this chapter applicable to determination, appeal and review.

(2) Payments in lieu of contributions shall be made in accordance with the following provisions: (A) At the end of each calendar quarter, or at the end of any other period as determined by the administrator, the administrator shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such organization. (B) Payment of any bill rendered under this subsection shall be made not later than thirty days after such bill was mailed to the last-known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with

subparagraph (D). (C) Payments made by any nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization. (D) The amount due specified in any bill from the administrator shall be conclusive on the organization unless, within the time prescribed in section 31-241 after the bill was mailed to its last-known address or otherwise delivered to it, the organization files an application for redetermination by the administrator or an appeal in the manner provided in sections 31-241 and 31-242 setting forth the grounds for such application or appeal. The administrator or referee, as the case may be, shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination or decision, as applicable in any case in which such application for redetermination or appeal has been filed. Any redetermination by the administrator shall be conclusive on the organization unless, within the time prescribed in section 31-241 after the redetermination was mailed to its last-known address or otherwise delivered to it, the organization files an appeal in the manner prescribed in sections 31-241 and 31-242, setting forth the grounds for the appeal. The decision of the referee shall become final on the twenty-second day after the date of its rendition unless the party aggrieved thereby, including the administrator, files an appeal in the manner provided in section 31-249, setting forth the grounds for the appeal. Redeterminations by the administrator shall be governed by the provisions of section 31-243. Proceedings on appeal to the unemployment compensation referee from the amount of a bill rendered under this subsection or a redetermination of such amount shall be in accordance with the provisions of section 31-242 and the decision of the referee shall be subject to the provisions of sections 31-248 and 31-249. (E) Past due payments of amounts in lieu of contributions shall be subject to the same interest that, pursuant to section 31-265 applies to past due contributions; an employer electing reimbursement is subject to the same penalties provided under this chapter as employers paying contributions.

(3) If the administrator at any time deems it necessary because of the financial condition of the organization, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required, within thirty days, to execute and file with the administrator a surety bond approved by the administrator or it may elect instead to deposit with the administrator cash or securities. The amount of such bond or deposit shall be determined in accordance with the provisions of this subdivision. (A) The amount of the bond or deposit required by this subdivision shall be determined by the administrator but shall not exceed a percentage of the organization's annual taxable payroll equal to the maximum rate that any employer liable for contributions during the year involved would have to pay for employment as defined in subsection (b) of section 31-222 for the four calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of cash or securities, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the administrator. The term "cash" includes certified or bank checks or other guaranteed instruments. (B) Any bond deposited under this subdivision shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the administrator, at such times as the administrator may prescribe, but not less frequently than at two year intervals as long as the organization continues to be liable for payments in lieu of contributions. The administrator shall require adjustments to be made in a previously filed bond as **[**he**]** the administrator deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within thirty days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in subdivision (2) (E) of this subsection, shall render the surety liable on

such bond to the extent of the bond, as though the surety was such organization. (C) Any deposit of cash or securities in accordance with this subdivision shall be retained by the administrator in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The administrator may deduct from the cash deposited under this subdivision by a nonprofit organization or sell the securities it has so deposited to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in subdivision (2) (E) of this subsection. The administrator shall require the organization within thirty days following any deduction from a cash deposit or sale of deposited securities under the provisions of this subparagraph to deposit sufficient additional cash or securities to make whole the organization's deposit at the prior level. Any cash remaining from the sale of such securities shall be a part of the organization's escrow account. The administrator may, at any time, review the adequacy of the deposit made by any organization. If, as a result of such review, **[**he**]** the administrator determines that an adjustment is necessary, **[**he**]** said administrator shall require the organization to make additional deposit within thirty days of written notice of **[**his**]** determination or shall return to it such portion of the deposit as **[**he**]** the administrator no longer considers necessary, whichever action is appropriate. Disposition of income from securities held in escrow shall be governed by any applicable provision of state law. (D) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this subdivision, the administrator may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which such termination becomes effective; provided the administrator may extend for good cause the applicable filing, deposit or adjustment period by not more than fifteen

days.

(4) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under subdivision (2) of this subsection, and a bond or security as provided in subdivision (3) of this subsection has not been required, or required and not filed within thirty days, the administrator may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.

(5) Each employer that is liable for payments in lieu of contributions shall pay to the administrator for the fund the amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments, shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of **[**his**]** the individual's base period employers.

(6) Any two or more employers that have become liable for payments in lieu of contributions may file a joint application to the administrator for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subdivision. Upon **[**his**]** the administrator's approval of the application, the administrator shall establish a group account for such employers effective as of the beginning of the calendar quarter in which **[**he**]** the administrator receives the application and shall notify the group's representative of the effective date of the account. Such

account shall remain in effect for not less than one year and thereafter until terminated at the discretion of the administrator or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The administrator shall prescribe such regulations as he or she deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subdivision, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subdivision by members of the group and the time and manner of such payments.

(h) Subsections (a) to (g), inclusive, of this section shall first apply to benefits charged with respect to benefits paid in benefit years starting on or after June 30, 1975.

(i) Notwithstanding any other provision of the general statutes to the contrary, any employer, individual, organization, partnership, corporation or other legal entity which engages, in any manner, in contract construction activity in this state and which has its base of operations and is incorporated in another state, shall furnish to the administrator before beginning any such construction activity, a bond, with a surety or sureties satisfactory to the administrator, in an amount to be determined by the administrator. The administrator shall adopt regulations, in accordance with the provisions of chapter 54, establishing the method for computation of such bond amounts. The use of such bonds shall be limited to payment for any unpaid unemployment compensation contributions, interest and penalties due from such contractor and attributable to such contracted work.

Sec. 22. Notwithstanding the Charter of the City of Waterbury or title 10 of the general statutes, for purposes of developing the Downtown Arts and Education Cluster in the city of Waterbury, there is established a Project Oversight Committee, consisting of three members of the Waterbury Board of Education, one member of the Waterbury Parking Authority and three members of the Naugatuck Valley Development Corporation. The Project Oversight Committee shall have oversight of the development of the Interdistrict Magnet School for the Performing Arts in the city of Waterbury. The Interdistrict Magnet School for the Performing Arts shall be developed in conformance with the overall plan for the Downtown Arts and Education Cluster in the city of Waterbury. It shall be constructed within the limits of state fiscal authorization for such project. It shall be designed to provide an interdistrict education program with a racially, ethnically and economically diverse student body, but shall not otherwise be required to comply with the requirements of chapter 173 of the general statutes.

(b) Notwithstanding the Charter of the City of Waterbury, the Naugatuck Valley Development Corporation shall be deemed to be the "applicant" for the grant provided under special act 00-10 for the Interdistrict Magnet School for the Performing Arts in the city of Waterbury and for the purposes of chapter 173 of the general statutes.

(c) Notwithstanding the Charter of the City of Waterbury, the Naugatuck Valley Development Corporation shall have the authority to receive and make progress payments and to authorize and fund Change Orders and Construction Change Directives, upon approval by the Waterbury Financial Planning and Assistance Board established in special act 01-1.

Sec. 23. (NEW) (a) A new automobile warranties account surcharge is hereby imposed on the sale of each new passenger vehicle or motorcycle sold in this state by any person licensed to offer such vehicles for sale under section 14-52 of the general statutes. Such

surcharge shall be in addition to any tax otherwise applicable to any such sales transaction.

(b) The surcharge assessed pursuant to this section shall be at a rate of three dollars per passenger vehicle or motorcycle. Such surcharge shall be collected by each licensee under section 14-52 of the general statutes engaged in new passenger vehicle or motorcycle sales in this state.

(c) Proceeds collected from surcharges assessed under this section shall be deposited in the new automobile warranties account established pursuant to section 24 of this act.

Sec. 24. (NEW) There is established a separate, nonlapsing account, within the General Fund, to be known as the "new automobile warranties account". The account may contain any moneys required by law to be deposited in the account. The moneys in said account shall be allocated to the Department of Consumer Protection to carry out the purposes of chapter 743b of the general statutes.

Sec. 25. Subsection (a) of section 21a-70 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section: (1) "Wholesaler" or "distributor" means a person, whether within or without the boundaries of the state of Connecticut, who supplies drugs, medical devices or cosmetics prepared, produced or packaged by manufacturers, to other wholesalers, manufacturers, distributors, hospitals, prescribing practitioners, as defined in subdivision (22) of section 20-571, pharmacies, federal, state or municipal agencies, clinics or any other person as permitted under subsection (h) of this section, except that a retail pharmacy or a pharmacy within a licensed hospital which supplies to another such pharmacy a quantity of a noncontrolled drug or a schedule III, IV or V controlled substance normally stocked by such pharmacies to provide for the immediate needs of a patient pursuant to a prescription or medication order of an authorized

practitioner, a pharmacy within a licensed hospital which supplies drugs to another hospital or an authorized practitioner for research purposes, and a retail pharmacy which supplies a limited quantity of a noncontrolled drug or of a schedule II, III, IV or V controlled substance for emergency stock to a practitioner who is a medical director of a chronic and convalescent nursing home, **[**or**]** of a rest home with nursing supervision or of a state correctional institution shall not be deemed a wholesaler under this section; (2) "manufacturer" means a person whether within or without the boundaries of the state of Connecticut who produces, prepares, cultivates, grows, propagates, compounds, converts or processes, directly or indirectly, by extraction from substances of natural origin or by means of chemical synthesis or by a combination of extraction and chemical synthesis, or who packages, repackages, labels or relabels a container under **[**his**]** such manufacturer's own or any other trademark or label any drug, device or cosmetic for the purpose of selling such items. The words "drugs", "devices" and "cosmetics" shall have the meaning ascribed to them in section 21a-92; and (3) "commissioner" means the Commissioner of Consumer Protection.

Sec. 26. Subsection (d) of section 21a-250 of the general statutes is repealed and the following is substituted in lieu thereof:

(d) (1) A retail pharmacy or pharmacy within a licensed hospital may distribute small quantities of schedule III, IV or V controlled substances to another pharmacy to provide for the immediate needs of a patient pursuant to a prescription or medication order of a practitioner. As used in this subsection "small quantities" means not more than one ounce of a powder or ointment, not more than sixteen ounces of a liquid and not more than one hundred dosage units of tablets, capsules, suppositories or injectables. (2) A retail pharmacy may distribute, in accordance with state and federal statutes and regulations, a schedule II, III, IV or V controlled substance to a practitioner who has a current federal and state registry number authorizing **[**him**]** such practitioner to purchase such controlled

substances, and who is the medical director of a chronic and convalescent nursing home, **[**or**]** of a rest home with nursing supervision or of a state correctional institution, for use as emergency stock within such facility. Such drugs shall be supplied in containers which bear labels specifying the name of the drug and its strength, expiration date, lot number and manufacturer. Drugs supplied pursuant to this subsection shall be limited in type and quantity to those specifically documented and authorized by such medical director for use as emergency stock in such facility. (3) Pharmacies distributing controlled substances in accordance with the provisions of subdivisions (1) and (2) of this subsection shall keep a written record of such transactions containing the name of the receiving pharmacy, or the name and federal registry number of a medical director, date distributed and name, form, strength and quantity of such controlled substances distributed. Such records shall be kept on file separately, in accordance with subsection (h) of section 21a-254. Receiving pharmacies or medical directors, shall keep, in a separate file, a written record in accordance with subsections (f) and (h) of section 21a-254.

Sec. 27. (NEW) (a) Each correctional institution shall return to the vendor pharmacy which shall accept, for repackaging and reimbursement to the Department of Correction, drug products that were dispensed to a patient and not used if such drug products are (1) prescription drug products that are not controlled substances, (2) sealed in individually packaged units, (3) returned to the vendor pharmacy within the recommended period of shelf life for the purpose of redispensing such drug products, (4) determined to be of acceptable integrity by a licensed pharmacist, and (5) oral and parenteral medication in single-dose sealed containers approved by the federal Food and Drug Administration, topical or inhalant drug products in units of use containers approved by the federal Food and Drug Administration or parenteral medications in multiple-dose sealed containers approved by the federal Food and Drug Administration from which no doses have been withdrawn.

(b) Notwithstanding the provisions of subsection (a) of this section:

(1) If such drug products are packaged in manufacturer's unit-dose packages, such drug products shall be returned to the vendor pharmacy for redispensing and reimbursement to the Department of Correction if such drugs may be redispensed for use before the expiration date, if any, indicated on the package.

(2) If such drug products are repackaged in manufacturer's unit-dose or multiple-dose blister packs, such drug products shall be returned to the vendor pharmacy for redispensing and reimbursement to the Department of Correction if (A) the date on which such drug product was repackaged, such drug product's lot number and expiration date are indicated clearly on the package of such repackaged drug; (B) ninety days or fewer have elapsed from the date of repackaging of such drug product; and (C) a repackaging log is maintained by the pharmacy in the case of drug products repackaged in advance of immediate needs.

(3) No drug products dispensed in a bulk dispensing container may be returned to the vendor pharmacy.

(c) The Department of Correction shall establish procedures for the return of unused drug products to the vendor pharmacy from which such drug products were purchased.

(d) The Department of Correction shall reimburse to the vendor pharmacy the reasonable cost of services incurred in the operation of this section, as determined by the Commissioner of Correction.

(e) The Department of Consumer Protection, in consultation with the Department of Correction, shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, which shall govern the repackaging and labeling of drug products returned pursuant to subsections (a) and (b) of this section. The Department of Consumer Protection shall implement the policies and procedures

necessary to carry out the provisions of this section until January 1, 2003, while in the process of adopting such policies and procedures in regulation form, provided notice of intent to adopt the regulations is published in the Connecticut Law Journal within twenty days after implementation.

Sec. 28. Section 4-28b of the general statutes is repealed and the following is substituted in lieu thereof:

Notwithstanding any provision of the general statutes: (1) If, during any fiscal year, the state receives federal block grant funds, the Governor shall submit **[**his**]** recommended allocations of such funds to the speaker of the House of Representatives and the president pro tempore of the Senate. Within five days of receipt of the recommendations, the speaker and the president pro tempore shall submit the recommended allocations to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the joint standing committee or committees of the General Assembly having cognizance of the subject matter relating to such recommended allocations, as determined by the speaker and the president pro tempore. Within fifteen days of their receipt of such recommended allocations, such committees shall hold a public hearing on such recommended allocations. Within thirty days of their receipt of the Governor's recommended allocations, the committee having cognizance of matters relating to appropriations and the budgets of state agencies, in concurrence with the committee or committees of cognizance, shall advise the Governor of their approval or modifications, if any, of **[**his**]** such recommended allocations. If the joint standing committees do not concur, the committee **[**chairmen**]** chairpersons shall appoint a committee on conference which shall be comprised of three members from each joint standing committee. At least one member appointed from each committee shall be a member of the minority party. The report of the committee on conference shall be made to each committee, which shall vote to accept or reject the

report. The report of the committee on conference may not be amended. If a joint standing committee rejects the report of the committee on conference, the Governor's recommended allocations shall be deemed approved. If the joint standing committees accept the report, the committee having cognizance of matters relating to appropriations and the budgets of state agencies shall advise the Governor of their approval or modifications, if any, of **[**his**]** such recommended allocations, provided if the committees do not act within thirty days, the recommended allocations shall be deemed approved. Disbursement of such funds shall be in accordance with the Governor's recommended allocations as approved or modified by the committees. After such recommended allocations have been so approved or modified, any proposed transfer to or from any specific allocation of a sum or sums of over fifty thousand dollars or ten per cent of any such specific allocation, whichever is less, shall be submitted by the Governor to the speaker and the president pro tempore and approved, modified or rejected by the committees in accordance with the procedures set forth in this subdivision. Notification of all transfers made shall be sent to the joint standing committee of the General Assembly having cognizance of matters relating to appropriations and the budgets of state agencies and to the committee or committees of cognizance, through the Office of Fiscal Analysis; (2) if, during any fiscal year, federal funding for programs financed by state appropriations with federal reimbursements is reduced below the amounts estimated under the provisions of section 2-35, the Governor shall submit **[**his**]** recommendations to the joint standing committee having cognizance of matters relating to appropriations and the budgets of state agencies and to the committee of cognizance, for legislation necessary to modify funding for such programs consistent with such reductions in federal funding.

Sec. 29. Subdivision (2) of subsection (b) of section 31-345 of the general statutes is repealed and the following is substituted in lieu thereof:

(2) The chairman of the Workers' Compensation Commission shall annually, on or after July first of each fiscal year, determine an amount sufficient in the chairman's judgment to meet the expenses of the Workers' Compensation Commission. Such expenses shall include the costs of the Division of Workers' Rehabilitation and the programs established by its director, the costs of the Division of Worker Education and the programs established by its director and funding for the occupational health clinic program created pursuant to sections 31-396 to 31-402, inclusive. The Treasurer shall thereupon assess upon and collect from each employer, other than the state and any municipality participating for purposes of its liability under this chapter as a member in an interlocal risk management agency pursuant to chapter 113a, the proportion of such expenses, based on the immediately preceding fiscal year, that the total compensation and payment for hospital, medical and nursing care made by such self-insured employer or private insurance carrier acting on behalf of any such employer bore to the total compensation and payments for the immediately preceding fiscal year for hospital, medical and nursing care made by such insurance carriers and self-insurers. For the fiscal years ending June 30, 2000, and June 30, 2001, such assessments shall not exceed five per cent of such total compensation and payments made by such insurance carriers and self-insurers. For the fiscal years ending June 30, 2002, and June 30, 2003, such assessments shall not exceed four and one-half per cent of such total compensation and payments made by such insurance carriers and self-insurers. For any fiscal year ending on or after June 30, **[**2002**]** 2004, such assessment shall not exceed four per cent of such total compensation and payments made by such insurance carriers and self-insurers. Such assessments and expenses shall not exceed the budget estimates submitted in accordance with subsection (c) of section 31-280. For each fiscal year, such assessment shall be reduced pro rata by the amount of any surplus from the assessments of prior fiscal years. Said surplus shall be determined in accordance with subdivision (3) of this subsection. Such assessments shall be made in one annual assessment

upon receipt of the chairman's expense determination by the Treasurer. All assessments shall be paid not later than sixty days following the date of the assessment by the Treasurer. Any employer who fails to pay such assessment to the Treasurer within the time prescribed by this subdivision shall pay interest to the Treasurer on the assessment at the rate of eight per cent per annum from the date the assessment is due until the date of payment. All assessments received by the Treasurer pursuant to this subdivision shall be deposited in the Workers' Compensation Administration Fund established under section 31-344a. The Treasurer is hereby authorized to make credits or rebates for overpayments made under this subsection by any employer for any fiscal year.

Sec. 30. Section 20-492b of the general statutes, as amended by section 1 of public act 01-116, is repealed and the following is substituted in lieu thereof:

(a) To be eligible for a home inspector license, an applicant shall:

(1) Have successfully completed high school or its equivalent;

(2) Have earned a home inspector intern permit and performed not less than one hundred home inspections **[**under the direct supervision and in the presence of a licensed home inspector**]** in accordance with subsection (c) of section 20-493b;

(3) Have passed an oral, written or electronic competency examination administered by the department; and

(4) Paid a fee of two hundred dollars.

(b) During the first three hundred sixty-five days following July 1, 2001, the board shall issue to an individual, upon application, a home inspector license, provided the applicant meets the requirements of subdivisions (1), (3) and (4) of subsection (a) of this section and provided further, the individual:

(1) Became engaged in the practice of home inspections for compensation prior to July 1, 2000; and

(2) Has performed not less than eighty home inspections for compensation prior to July 1, 2001.

Sec. 31. Subsection (a) of section 20-492 of the general statutes, as amended by section 2 of public act 01-116, is repealed and the following is substituted in lieu thereof:

(a) No person shall engage in home inspection without a license issued under section 20-492a or subsection (b) of section 20-492b, except that (1) nothing in sections 20-490 to 20-495a, inclusive, shall be construed to apply to an architect licensed pursuant to the provisions of chapter 390 or a professional engineer licensed pursuant to the provisions of chapter 391, and (2) nothing in sections 20-490 to 20-495a, inclusive, shall be construed to prevent any of the following persons from acting within the scope of their profession:

(A) Any person employed by this state, any department or agency of this state or any political subdivision of this state, when acting within the scope of such employment;

(B) Any person employed by the United States or any of its departments or agencies;

(C) Any school, public or private, offering as part of a vocational education program courses and training in any aspect of home inspection;

(D) Any person holding a current professional or occupational license or registration issued pursuant to the general statutes, provided such person engages only in that work for which such person is licensed, including, but not limited to, an electrical contractor or plumber licensed pursuant to the provisions of chapter 393, a real estate appraiser certified or licensed pursuant to the provisions of chapter 400g or an insurance adjuster;

(E) Any person holding a current home inspector intern permit who conducts home inspections **[**under the direct supervision and in the presence of a licensed home inspector**]** in accordance with subsection (c) of section 20-493b for the purpose of qualifying for licensure as a home inspector; and

(F) Any person who has taken and successfully completed a board-approved training program, earned a home inspector intern permit and performs home inspections **[**under the direct supervision and in the presence of a licensed home inspector**]** in accordance with subsection (c) of section 20-493b.

Sec. 32. (a) Any federal financial participation received by the Department of Social Services for the payments made pursuant to subdivision (9) of subsection (b) of sections 3 and 5 of house bill 7504 of the current session, shall be credited to the hospital assistance program account.

(b) During the fiscal year ending June 30, 2002, any sums deposited in the hospital assistance program account, pursuant to subsection (a) of this section, shall not lapse and shall be available for expenditure during the fiscal year ending June 30, 2003.

(c) During the fiscal year ending June 30, 2003, the Department of Social Services shall distribute the funds in the hospital assistance program account to Yale-New Haven Hospital.

Sec. 33. Section 28 of special act 97-1 of the June 5 special session, as amended by section 76 of special act 98-9 and section 86 of senate bill 2003 of the current session, is amended to read as follows:

The proceeds of the sale of said bonds shall be used by the Department of Economic and Community Development for the purposes hereinafter stated:

Housing development and rehabilitation, including moderate cost housing, moderate rental, congregate and elderly housing, urban

homesteading, community housing development corporations, housing for the homeless, housing for low income persons, supportive housing consistent with state mental health policy, limited equity cooperatives and mutual housing projects, removal and abatement of hazardous material including asbestos and lead-based paint in residential structures (no more than $2,500,000 of the total), emergency repair assistance for senior citizens, housing land bank and land trust, housing and community development, predevelopment grants and loans, reimbursement for state and federal surplus property, private rental investment mortgage and equity program, housing infrastructure, demolition, renovation or redevelopment of vacant buildings or related infrastructure, septic system repair loan program, acquisition and related rehabilitation, projects under the program established in section 21 of senate bill 2002 of the current session and participation in federal programs, including administrative expenses associated with those programs eligible under the general statutes and up to $5,000,000 for **[**the Residential Mortgage Refinancing Guarantee Program**]** grants-in-aid to the Connecticut House Finance Authority for an urban home ownership program, including administrative expenses associated with those programs eligible under the general statutes, not exceeding $30,000,000.

Sec. 34. Subsection (b) of section 12-564 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) The executive director shall, with the advice and consent of the board, conduct studies concerning the effect of legalized gambling on the citizens of this state, including but not limited to, studies to determine the types of gambling activity engaged in by the public and the desirability of expanding, maintaining or reducing the amount of legalized gambling permitted in this state. Such studies shall be conducted as often as the executive director deems necessary but in no event shall a study be conducted less than once every **[**five**]** seven years. The joint standing committees of the General Assembly having cognizance of matters relating to legalized gambling shall each receive

a report concerning each study carried out, stating the findings of the study and the costs of conducting the study.

Sec. 35. Section 10-303 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The authority in charge of any building or property owned, operated or leased by the state or any municipality therein shall grant to the Board of Education and Services for the Blind a permit to operate in such building or on such property a food service facility, a vending machine or a stand for the vending of newspapers, periodicals, confections, tobacco products, food and such other articles as such authority approves when, in the opinion of such authority, such facility, machine or stand is desirable in such location. Any person operating such a stand in any such location on October 1, 1945, shall be permitted to continue such operation, but upon such person's ceasing such operation such authority shall grant a permit for continued operation to the Board of Education and Services for the Blind. Said board may establish a training facility at any such location.

(b) Pursuant to the Randolph-Sheppard Vending Stand Act, 49 Stat. 1559 (1936), 20 USC 107, as amended from time to time, the Board of Education and Services for the Blind is authorized to maintain a **[**savings**]** nonlapsing account and to accrue interest thereon for **[**nonstate**]** federal vending machine income which, in accordance with federal regulations, shall be used for the payment of fringe benefits to the vending facility operators by the Board of Education and Services for the Blind.

(c) The Board of Education and Services for the Blind may maintain a nonlapsing account and accrue interest thereon for state and local vending machine income which shall be used for the payment of fringe benefits, training and support to vending facilities operators, and to provide entrepreneurial and independent-living training and equipment to children who are blind or visually impaired and adults who are blind.

(d) The Board of Education and Services for the Blind may disburse state and local vending machine income to student or client activity funds, as defined in section 4-52.

Sec. 36. (NEW) (a) As used in this section, "registered contractor" means a person registered with the Commissioner of Environmental Protection pursuant to section 22a-449k of the general statutes, "qualifying income" means the owner's adjusted gross income, as defined in section 12-701 of the general statutes, for the calendar year immediately preceding the year in which costs eligible for payment were incurred under this section and "costs eligible for payment" means costs that are reasonable for payment, as determined by the guidelines established pursuant to section 22a-449d of the general statutes, as amended by this act.

(b) If, in the course of removing or replacing a residential underground heating oil storage tank system, a registered contractor finds that there has been a spill, as defined in section 22a-452c of the general statutes, attributable to such a system, or if such contractor estimates that the remediation of such spill is likely to cost more than ten thousand dollars then such contractor shall immediately notify the Department of Environmental Protection. The commissioner may assess the spill and confirm that the remediation proposed by the contractor is appropriate and necessary, or may authorize an environmental professional licensed under section 22a-133v of the general statutes to assess the spill and make such confirmation. Any such remediation shall be subject to approval by the commissioner. The commissioner may authorize an environmental professional licensed under section 22a-133v of the general statutes to make a recommendation regarding such approval. The costs of an inspection pursuant to this section shall be eligible for payment under the residential underground heating oil storage tank system clean-up subaccount established under subsection (b) of section 22a-449c of the general statutes, as amended by this act. The commissioner may revoke a registration pursuant to section 22a-449k of the general

statutes for failure of a contractor to notify the department as required by this section.

(c) On or after the effective date of this act, to be eligible for payment pursuant to this section, an owner shall submit the following information to the Commissioner of Environmental Protection, in such form as the commissioner may require, prior to entering into a contract with a registered contractor for remediation of a spill attributable to a residential underground heating oil storage tank system: (1) The name and Social Security number of the property owner; (2) a verification that such tank serves the owner's primary residence; (3) a verification of the owner's qualifying income; and (4) the name of the registered contractor who will perform the remediation. The commissioner shall, not later than thirty days following receipt of such information, send a written notice to the owner that specifies whether the owner is eligible for payment under this section, whether funds are available for the owner under this section and the amount of remediation costs for which the owner is responsible prior to receiving payment under this section.

(d) Subject to the provisions of subsection (e) of this section, an owner may be reimbursed for all reasonable costs for work commenced on or after the effective date of this act in accordance with the following: (1) If an owner's qualifying income is less than or equal to fifty thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of five hundred dollars; (2) if an owner's qualifying income is greater than fifty thousand dollars and less than or equal to one hundred thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of two thousand dollars; (3) if an owner's qualifying income is greater than one hundred thousand dollars and less than or equal to one hundred fifty thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of four thousand dollars; (4) if an owner's qualifying income is greater than one hundred fifty thousand dollars and less than or equal to two hundred thousand dollars, the owner may be reimbursed for

costs eligible for payment in excess of five thousand dollars; (5) if an owner's qualifying income is greater than two hundred thousand dollars and less than or equal to two hundred fifty thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of seven thousand five hundred dollars; (6) if an owner's qualifying income is greater than two hundred fifty thousand dollars and less than or equal to five hundred thousand dollars, the owner may be reimbursed for costs eligible for payment in excess of ten thousand dollars; (7) if an owner's qualifying income is greater than five hundred thousand dollars, the owner is not eligible for payment of costs. No registered contractor or any subcontractor of a registered contractor shall accept payment for any costs eligible for payment from said subaccount until it has provided the owner with the information necessary to apply for a disbursement pursuant to subsection (e) of this section.

(e) (1) On or after the effective date of this act, an owner shall submit to the Underground Storage Tank Petroleum Clean-Up Account Review Board established under section 22a-449d of the general statutes, as amended by this act, an application that is postmarked no later than December 31, 2001, for a disbursement from the residential underground heating oil storage tank system clean-up subaccount, documentation of all costs eligible for payment for work performed pursuant to a contract with the owner for the remediation of a residential underground heating oil storage tank system for the purpose of providing payment for the costs of such remediation, provided such owner has complied with the provisions of subdivisions (1) and (2) of subsection (a) of section 22a-449j of the general statutes and provided such remediation was completed on or before December 1, 2001. Such payments shall be made in accordance with subsection (d) of this section. Such owner shall provide to the review board a statement confirming that the registered contractor has been engaged by such owner to remove or to replace such residential underground heating oil storage tank system, except that a storage tank system and any associated ancillary equipment shall not be subject to such

requirement and perform the remediation and shall execute an instrument which provides for payment to said account of any amounts realized by the owner, after any costs of litigation or attorney's fees have been paid, from a judgment or settlement regarding any claim for the costs of such remediation made against an insurance policy or any person.

(2) In any service contract entered into between a registered contractor and an owner for the remediation of a residential underground heating oil storage tank system, the registered contractor shall clearly identify all costs, including markup costs, that are not or may not be eligible for payment from said subaccount.

(3) The owner shall submit documentation, satisfactory to the review board, of any costs associated with such remediation. The review board may deny payment of remediation costs that the review board determines are unreasonable based on the guidelines established pursuant to subsection (c) of section 22a-449d of the general statutes, as amended by this act, on and after the date the review board establishes such guidelines. The review board shall deny any such costs if the owner fails to comply with subsection (c) of this section and any such costs in excess of fifty thousand dollars unless the commissioner determines such additional costs are warranted to protect public health and the environment.

(4) A copy of the review board's decision shall be sent to the Commissioner of Environmental Protection and to the owner by certified mail, return receipt requested. The commissioner or owner aggrieved by a decision of the review board may, not more than twenty days after the date the decision was issued, request a hearing before the review board in accordance with chapter 54 of the general statutes. After such hearing, the board shall consider the information submitted to it and affirm or modify its decision. A copy of the affirmed or modified decision shall be sent to the commissioner and owner by certified mail, return receipt requested.

(5) No owner shall be entitled to reimbursement both under this section and section 22a-449l of the general statutes, as amended by this act.

Sec. 37. Section 22a-449c of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) There is established an account to be known as the "underground storage tank petroleum clean-up account". The underground storage tank petroleum clean-up account shall be an account of the Environmental Quality Fund. Notwithstanding any provision of the general statutes to the contrary, any moneys collected shall be deposited in the Environmental Quality Fund and credited to the underground storage tank petroleum clean-up account. Any balance remaining in said account at the end of any fiscal year shall be carried forward in said account for the fiscal year next succeeding.

(2) The account shall be used by the Commissioner of Environmental Protection to provide money for reimbursement or payment pursuant to section 22a-449f to responsible parties or parties supplying goods or services, or both, to responsible parties for costs, expenses and other obligations paid or incurred, as the case may be, as a result of releases, and suspected releases, costs of investigation of releases and suspected releases, and third party claims for bodily injury, property damage and damage to natural resources. Notwithstanding the provisions of this section regarding reimbursements of parties pursuant to section 22a-449f, the responsible party for a release shall bear all costs of the release that are less than ten thousand dollars or more than one million dollars, except that for any such release which was reported to the department prior to December 31, 1987, and for which more than five hundred thousand dollars has been expended by the responsible party to remediate such release prior to June 19, 1991, the responsible party for the release shall bear all costs of such release which are less than ten thousand dollars or more than three million dollars. There shall be allocated to the

department annually, for administrative costs, **[**one million one hundred fifty thousand**]** two million dollars.

(b) There is established a subaccount within the underground storage tank petroleum clean-up account to be known as the "residential underground heating oil storage tank system clean-up subaccount" to be used solely for the provision of reimbursements under section 22a-449l, as amended by this act, and section 36 of this act, for the remediation of contamination attributed to residential underground heating oil storage tank systems. The subaccount shall hold the proceeds of the bond funds allocated pursuant to section 51 of public act 00-167*.

Sec. 38. Section 22a-449d of the general statutes is repealed and the following is substituted in lieu thereof:

(a) There is established an Underground Storage Tank Petroleum Clean-Up Account Review Board to review applications for reimbursements and payments from the account established under section 22a-449c. Upon application for reimbursement or payment pursuant to section 22a-449f, the board shall determine if a release occurred and damage resulted from such release and the amount of any such damage. The board shall have the authority to order payment from the residential underground heating oil storage tank system clean-up subaccount to registered contractors pursuant to section 22a-449l, as amended by this act, or to owners pursuant to section 36 of this act, for reasonable costs associated with the remediation of a residential underground heating oil storage tank system based on the guidelines established pursuant to subsection (c) of this section; **[**22a-449d;**]** hold hearings, administer oaths, subpoena witnesses and documents through its chairperson when authorized by the board; designate an agent to perform such duties of the board as it deems necessary except the duty to render a final decision to order reimbursement or payment from the account; and provide by notice, printed on any form, that any false statement made thereof or

pursuant thereto is punishable pursuant to section 53a-157b.

(b) The board shall consist of the Commissioners of Environmental Protection and Revenue Services, the Secretary of the Office of Policy and Management and the State Fire Marshal, or their designees; one member representing the Connecticut Petroleum Council, appointed by the speaker of the House of Representatives; one member representing the Service Station Dealers Association, appointed by the majority leader of the Senate; one member of the public, appointed by the majority leader of the House of Representatives; one member representing the Independent Connecticut Petroleum Association, appointed by the president pro tempore of the Senate; one member representing the Connecticut Gasoline Retailers Association, appointed by the minority leader of the House of Representatives; one member representing a municipality with a population greater than one hundred thousand, appointed by the Governor; one member representing a municipality with a population of less than one hundred thousand, appointed by the minority leader of the Senate; one member representing a small manufacturing company which employs fewer than seventy-five persons, appointed by the speaker of the House of Representatives; one member experienced in the delivery, installation, and removal of residential underground petroleum storage tanks and remediation of contamination from such tanks, appointed by the president pro tempore of the Senate; and one member who is an environmental professional licensed under section 22a-133v and is experienced in investigating and remediating contamination attributable to underground petroleum storage tanks, appointed by the Governor. The board shall annually elect one of its members to serve as chairperson.

(c) Not later than July 1, 2000, the board shall establish guidelines for determining what costs are reasonable for payment under section 22a-449l, as amended by this act, and section 36 of this act and shall establish requirements for financial assurance, training and performance standards for registered contractors, as defined in said

section 22a-449l, as amended by this act, and section 36 of this act. The board shall make payment pursuant to section 36 of this act to the owner at a rate not to exceed one hundred fifty-seven dollars per ton of contaminated soil removed which shall be considered as full payment for all eligible costs for remediation. For any claim filed pursuant to section 36 of this act where no contaminated soil is removed the board shall reimburse eligible costs in accordance with the guidelines pursuant to this section.

(d) To the extent that funds are available in the residential underground heating oil storage tank system clean-up subaccount, the board may order payment from such subaccount to registered contractors for reimbursement of eligible costs for services associated with the remediation of a residential underground heating oil storage tank system prior to the effective date of this act to owners of such systems for payment for eligible costs incurred after the effective date of this act. No such payment shall be authorized unless the board deems the costs reasonable based on the guidelines established pursuant to subsection (c) of this section.

Sec. 39. Section 22a-449l of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section, "registered contractor" means a person registered with the Commissioner of Environmental Protection pursuant to section 22a-449k.

(b) **[**If**]** Prior to the effective date of this act, if, in the course of removing or replacing a residential underground heating oil storage tank system, a registered contractor finds that there has been a spill, as defined in section 22a-452c, attributable to such system and such contractor estimates that the remediation of such spill is likely to cost more than five thousand dollars, such contractor shall immediately notify the Department of Environmental Protection regarding such spill. If, after the contractor's initial estimate, the contractor subsequently determines that such cost will exceed five thousand

dollars, the contractor shall upon that determination notify the Department of Environmental Protection. The department may assess the spill and confirm that the remediation proposed by the contractor is appropriate and necessary, or may authorize an environmental professional licensed under section 22a-133v to assess the spill and make such confirmation. Any such remediation shall be subject to approval by the department, except that the department may authorize an environmental professional licensed under section 22a-133v to make a recommendation regarding such approval. If a registered contractor estimates that the remediation of such spill is likely to cost more than ten thousand dollars, the commissioner or any agent of the commissioner or an environmental professional licensed under said section 22a-133v contracted by the department shall inspect the site and confirm that such remediation is reasonable. The costs of such an inspection shall be eligible for payment under the residential underground heating oil storage tank system clean-up subaccount established under subsection (b) of section 22a-449c, as amended by this act.

(c) (1) **[**A**]** In order to receive reimbursement of eligible costs for services commenced after July 1, 1999, and prior to the effective date of this act, a registered contractor shall on or before December 1, 2001, submit to the Underground Storage Tank Petroleum Clean-Up Account Review Board established under section 22a-449d, as amended by this act, for a disbursement from the residential underground heating oil storage tank system clean-up subaccount, all reasonable costs for work **[**performed**]** commenced prior to the effective date of this act, pursuant to a contract with the owner for the remediation of a residential underground heating oil storage tank system for the purpose of providing payment for the costs of such remediation. An owner of a residential underground heating oil storage tank system shall not be responsible to the registered contractor or any subcontractor of the registered contractor for any costs that are eligible for payment from the residential underground heating oil storage tank system clean-up subaccount over five hundred

dollars. The registered contractor or any subcontractor shall not bill the owner for any costs eligible for payment from said subaccount over five hundred dollars unless the contractor or subcontractor enters into a separate written contract with the owner, on a form prescribed by the commissioner, authorizing the contractor or subcontractor to bill the owner more than five hundred dollars and such separate contract gives the owner the right to cancel such contract up to three days after entering into it. Such owner shall provide to the review board a statement confirming the registered contractor has been engaged by such owner to remove or to replace such residential underground heating oil storage tank system and perform the remediation and shall execute an instrument which provides for payment to said account of any amounts realized by the owner, after any costs of litigation or attorney's fees have been paid, from a judgment or settlement regarding any claim for the costs of such remediation made against an insurance policy or any party. In any service contract entered into between a registered contractor and an owner for the remediation of a residential underground heating oil storage tank system, the registered contractor shall clearly identify all costs, including markup costs, that are not or may not be eligible for payment from said subaccount.

(2) The registered contractor shall submit documentation, satisfactory to the review board, of any costs associated with such remediation. The review board may deny remediation costs of the registered contractor that the review board determines are unreasonable based on the guidelines established pursuant to subsection (c) of section 22a-449d, as amended by this act, on and after the date the review board establishes such guidelines, and may deny remediation costs (A) in excess of five thousand dollars if the Department of Environmental Protection was not notified in accordance with the provisions of subsection (b) of this section, and (B) in excess of ten thousand dollars if the site was not inspected in accordance with the provisions of subsection (b) of this section. The review board shall deny any such costs in excess of fifty thousand dollars unless the commissioner determines such additional costs are

warranted to protect public health and the environment. If a registered contractor fails to submit to the review board documentation of costs associated with such remediation that may be eligible for payment from the residential underground heating oil storage tank system clean-up subaccount or if the registered contractor submits documentation of such costs but the board denies payment of such costs, the registered contractor shall be liable for such costs and shall have no cause of action against the owner of the underground petroleum storage tank.

(3) A copy of the review board's decision shall be sent to the Commissioner of Environmental Protection and to the registered contractor by certified mail, return receipt requested. The commissioner or any contractor aggrieved by a decision of the review board may, not more than twenty days after the date the decision was issued, request a hearing before the review board in accordance with chapter 54. After such hearing, the board shall consider the information submitted to it and affirm or modify its decision on the reimbursement. A copy of the affirmed or modified decision shall be sent to the commissioner and any contractor by certified mail, return receipt requested.

(d) Neither the Underground Storage Tank Petroleum Clean-Up Account Review Board nor the Commissioner of Environmental Protection shall accept applications pursuant to this section on or after December 1, 2001, for the reimbursement of eligible costs for services completed prior to the effective date of this act.

Sec. 40. Subsection (a) of section 22a-449m of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any remediation of contaminated soil or groundwater the cost of which is to be paid out of the subaccount established under subsection (b) of section 22a-449c, as amended by this act, shall be performed by or under the direct onsite supervision of a registered contractor, as defined in section 22a-449l, as amended by this act, and section 36 of

this act and shall be performed in accordance with regulations adopted by the commissioner pursuant to section 22a-133k that establish direct exposure criteria for soil, pollutant mobility criteria for soil and groundwater protection criteria for GA and GAA areas. If the replacement of any such residential underground heating oil storage tank system performed pursuant to the provisions of this section involves installation of an underground petroleum storage tank, such tank shall conform to any standards which apply to new underground petroleum storage tanks.

Sec. 41. Section 4-29b of the general statutes, as amended by section 15 of house bill 2001 of the current session, is repealed and the following is substituted in lieu thereof:

Any state agency which receives indirect cost recoveries from federal grant funds or other sources, when such recoveries apply to costs originally paid from the General Fund, shall deposit such cost recoveries with the Treasurer, to the credit of General Fund revenues, unless such deposit is waived by the Secretary of the Office of Policy and Management. This section does not apply to any applicable **[**overhead charges**]** surcharges on assessments recovered by the state pursuant to sections 12-586g and 12-586f. For purposes of this section "state agency" shall does not include any constituent unit of the state system of higher education or any state institution of higher education.

Sec. 42. Section 14-164c of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall fail to maintain in good working order or remove, dismantle or otherwise cause to be inoperative any equipment or feature constituting an operational element of the air pollution control system or mechanism of a motor vehicle required by regulations of the Commissioner of Environmental Protection to be maintained or on the vehicle. Any such failure to maintain in good working order or removal, dismantling or causing of inoperability shall subject the owner thereof to revocation of registration for such

vehicle by the Commissioner of Motor Vehicles unless all parts and equipment constituting elements of air pollution control have been made operable and in good working order within thirty days of notice by said commissioner of such violation. Any such failure shall be considered a failure to comply with the periodic inspection requirements established under subsection (c) of this section. As used in this section, motor vehicle shall have the same meaning as is provided in section 14-1.

(b) The Commissioner of Environmental Protection shall consult with the Commissioner of Motor Vehicles and furnish **[**him**]** the commissioner with technical information, including testing techniques, standards and instructions for emission control features and equipment. The Commissioner of Environmental Protection shall furnish the Commissioner of Motor Vehicles with emission standards for all motor vehicles designated as a 1968 or later model. Such standards shall be consistent with provisions of federal law, if any, relating to control of emissions from the vehicles concerned or any regulations adopted by the Commissioner of Environmental Protection which implement the low-emission vehicle and clean fuels regulations adopted by the state of California, as amended. Such standards shall be periodically reviewed by the Commissioner of Environmental Protection and revised, if necessary, to achieve the objectives of the vehicle emission inspection program.

(c) The commissioner shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section. Such regulations shall include provision for a periodic inspection of air pollution control equipment and compliance or waiver with exhaust emission standards or compliance or waiver with on-board diagnostic standards or other standards defined by the Commissioner of Environmental Protection and approved by the Administrator of the United States Environmental Protection Agency, compliance or waiver with, air pollution control system integrity standards defined by the Commissioner of Environmental Protection and compliance or waiver

with purge system standards defined by the Commissioner of Environmental Protection. Such regulations may provide for an inspection procedure using an on-board diagnostic information system for all 1996 model year and newer motor vehicles. Such regulations shall apply to all motor vehicles registered or which will be registered in this state except: (1) Vehicles having a gross weight of more than ten thousand pounds; (2) vehicles powered by electricity; (3) bicycles with motors attached; (4) motorcycles; (5) vehicles operating with a temporary registration; (6) vehicles manufactured twenty-five or more years ago; (7) new vehicles at the time of initial registration; (8) vehicles registered but not designed primarily for highway use; (9) farm vehicles, as defined in subsection (q) of section 14-49; (10) antique, rare or special interest motor vehicles, as defined in section 14-1; (11) diesel-powered type II school buses; or (12) a vehicle operated by a licensed dealer or repairer either to or from a location of the purchase or sale of such vehicle or for the purpose of obtaining an official emissions or safety inspection. **[**Not later than October 1,**]** On and after July 1, 2002, such regulations shall exempt from the periodic inspection requirement any vehicle **[**manufactured**]** four or less **[**years ago**]** model years of age, beginning with model year 2003 and the previous three model years, provided that such exemption shall lapse upon a finding by the Administrator of the United States Environmental Protection Agency or by the Secretary of the United States Department of Transportation that such exemption causes the state to violate applicable federal environmental or transportation planning requirements. Notwithstanding any provisions of this subsection, the commissioner may require an initial emissions inspection and compliance or waiver prior to registration of a new motor vehicle. If the Commissioner of Environmental Protection finds that it is necessary to inspect motor vehicles which are exempt under subdivision (1) or (4) of this subsection, or motor vehicles that are four or less model years of age in order to achieve compliance with federal law concerning emission reduction requirements, the Commissioner of Motor Vehicles may adopt regulations, in accordance with the

provisions of chapter 54, to require the inspection of motorcycles, designated motor vehicles having a gross weight of more than ten thousand pounds or motor vehicles four or less model years of age.

(d) No motor vehicle subject to the inspection requirements of this section shall be operated upon the highways of this state unless such vehicle has **[**evidence of inspection and compliance with subsection (c) of this section**]** been presented for inspection in accordance with a schedule for inspection and compliance as established by the commissioner. The commissioner shall grant waivers from compliance with standards for vehicles which fail any required inspection and require an unreasonable cost of repair to bring the vehicle into compliance. The commissioner may determine compliance of a vehicle that has failed an emissions retest by means of a complete physical and functional diagnosis and inspection of the vehicle, in accordance with the provisions of 40 CFR Part 51.360, showing that no additional emissions-related repairs are needed. An extension of time, not to exceed the period of inspection frequency, may be granted to obtain needed repairs on a vehicle in the case of economic hardship of the owner. Only one such extension may be granted for any vehicle. The commissioner **[**shall**]** may design a sticker to be affixed to the windshield of **[**such**]** each vehicle which shall bear the date of expiration of the assigned inspection period on both sides. The commissioner may also design a sticker to be affixed to the windshield of each vehicle that is exempt from the requirements of this chapter, which sticker shall bear the date, if any, on which such vehicle is no longer exempt and is required to be presented for inspection. As used in this section, "unreasonable cost of repair" means cost of repair in excess of the amounts required to be expended by Title 40, Part 51.360 of the Code of Federal Regulations, as amended.

(e) In order to provide for emissions inspection facilities, the commissioner **[**shall**]** may enter into a negotiated inspection agreement or agreements, notwithstanding chapters 50, 58, 59 and 60, with an independent contractor or contractors, to provide for the leasing,

construction, equipping, maintenance or operation of a system of official emissions inspection stations in such numbers and locations as may be required to provide vehicle owners reasonably convenient access to inspection facilities. The commissioner may employ such system and the services of such contractor or contractors to conduct safety inspections as provided by section 14-16a, subsection (g) of section 14-12 and section 14-103a. Such contractor or contractors, with the approval of the commissioner, may operate inspection stations at suitable locations owned or operated by other persons, firms or corporations, including retail business establishments with adequate facilities to accommodate and to perform inspections on motor vehicles. The commissioner is prohibited from entering into an inspection agreement with any independent contractor who: (1) Is engaged in the business of maintaining or repairing vehicles in this state, except that the independent contractor shall not be precluded from maintaining or repairing any vehicle owned or operated by the independent contractor; or (2) does not have the capability, resources or technical and management skill to adequately conduct, equip, operate and maintain a sufficient number of official emissions inspection stations. All persons employed by the independent contractor in the performance of an inspection agreement are deemed to be employees of the independent contractor and not of this state. The inspection agreement or agreements authorized by this section shall be subject to other provisions as follows: (A) Minimum requirements for staff, equipment, management and hours and place of operation of official emissions inspection stations including such additional testing facilities as may be established and operated in accordance with subsection (g) of this section; (B) reports and documentation concerning the operation of official emissions inspection stations and additional testing facilities as the commissioner may require; (C) surveillance privileges for the commissioner to ensure compliance with standards, procedures, rules, regulations and laws; and (D) any other provision deemed necessary by the commissioner for the administration of the inspection agreement. Nothing in the

inspection agreement shall require the state to purchase any asset or assume any liability if such agreement is not renewed.

(f) (1) The commissioner may authorize and appoint any motor vehicle dealer or repairer that is licensed in accordance with section 14-52 and that has the qualifications established by the commissioner to conduct emissions inspections in a designated area of its licensed premises and to report the results thereof to the Department of Motor Vehicles, provided such licensee signs a statement that such licensee understands the provisions of this section and regulations adopted under authority of this section, understands the necessity to comply with administrative and technical directives and advisories that the commissioner issues and understands that any failure by such licensee to comply with this section, the regulations or the directives or advisories constitutes grounds for the commissioner to suspend or revoke the authority for such licensee to conduct inspections.

(2) Each such licensee shall conduct an emissions inspection of any registered motor vehicle requiring such an inspection at any time during its normal and posted hours of operation, when such motor vehicle is presented by its owner. No such licensee shall charge any fee for the inspection except the fee authorized by subsection (i) of this section. The results of each emissions inspection performed in accordance with this subsection shall be evidenced by a written vehicle inspection report, containing such information and certification by the inspecting licensee as the commissioner shall prescribe. The licensee shall furnish a copy of such inspection report to the operator of the motor vehicle at the time of completion of the inspection.

(3) No such licensee may be appointed by the commissioner nor may any such licensee conduct any inspection unless the licensee has in its employ one or more certified emissions inspectors and repair technicians. Such inspectors and technicians shall conduct all inspections and related emissions repair work, and shall meet the training and certification requirements in 40 CFR Part 51.367, and of

the regulations adopted by the commissioner in accordance with this subsection.

(4) The commissioner may suspend or revoke the authority to conduct emissions inspections by any such licensee that is authorized to conduct emissions inspections if the licensee fails to comply with the provisions of this section, regulations adopted under authority of this section, or administrative or technical directives or advisories that the commissioner issues.

(5) The commissioner shall adopt regulations, in accordance with chapter 54, to establish the qualifications for such licensees to be authorized and appointed to conduct emissions inspections, and to establish standards and procedures for such inspections, reporting requirements by such licensees and training and certification requirements for inspectors and technicians.

(g) The independent contractor or contractors retained by the state in accordance with the provisions of subsection (e) of this section may conduct emissions inspections at one or more facilities owned or operated by a motor vehicle dealer or dealers, licensed in accordance with section 14-52. No such inspection facility located on the premises of a licensed dealer shall be operated without the prior approval of the commissioner. The operation of each such facility shall be subject to such procedures and requirements, to be followed by the contractor and the licensee, as may be prescribed by the terms and conditions of the contract entered into in accordance with the provisions of subsection (e) of this section, and in regulations as may be adopted by the commissioner in accordance with chapter 54. The state shall not be a party to, or assume or incur any liability of any kind under any agreement entered into between the independent contractor and any dealer, in furtherance of the provisions of this subsection. The contract entered into by the state in accordance with the provisions of subsection (e) of this section shall provide for indemnification of the state with respect to the operation of any such inspection facility

located at a motor vehicle dealership, in the same manner and to the same extent as the operation of an official emissions inspection station.

(h) In order to provide for management and oversight of emissions inspection facilities established in accordance with subsection (e) of this section and to establish and maintain necessary electronic data capture and reporting systems for such facilities and for licensed dealers and repairers who may be authorized to perform inspections in accordance with the provisions of subsection (f) of this section, the commissioner may enter into a negotiated personal service agreement or agreements, in accordance with the provisions of chapter 55a, with any qualified person, firm or corporation. The responsibilities of any such contractor retained by the commissioner shall include, but need not be limited to, the following: (1) Review and analysis of data from all official emissions inspections performed, and provision to the commissioner of recommendations to improve the quality and integrity of such data, (2) provision of program information and standards to inspection facilities and locations, (3) provision to the commissioner of regular reports, assessments and recommendations to maintain or improve the effectiveness, efficiency, quality and integrity of such inspection operations, and (4) identification of measures to enhance public convenience, and compliance with the inspection requirements. No such contractor retained in accordance with the provisions of this subsection may be licensed as, or have any financial interest in any firm engaged in the business of selling or repairing motor vehicles, or may be a provider of emissions inspection equipment or facilities to the state.

[(f)**]** (i) The commissioner may license an owner or operator of a fleet of motor vehicles which are subject to emissions inspection pursuant to subsection (c) of this section or section 14-164i, to establish a fleet emissions inspection station, provided that the fleet owner or operator conforms with regulations for fleet emissions inspection stations adopted by the commissioner which shall specify the classes or other characteristics of vehicles eligible for inspection at such

stations. The commissioner may establish a program for the on-road testing of motor vehicles subject to this chapter. The program shall test not less than one-half of one per cent of vehicles every inspection cycle under conditions of highway operation in order to provide information concerning the emission performance of such in-use vehicles. Testing may be performed by means of remote sensing devices, or roadside pullovers followed by tailpipe emissions testing using a suitable, portable device and recording system. Owners of vehicles that have previously been through scheduled periodic inspection and passed, and are found by on-road testing to be high emitters, in accordance with the standards established under subsection (b) of this section and the regulations adopted under subsection (c) of this section, shall be notified that their vehicles are required to pass an out-of-cycle follow-up inspection at an inspection station. Notification may be made by mailing in the case of remote sensing on-road testing or through immediate notification if roadside pullovers are used. The commissioner may use the services of the independent contractor or contractors to implement the on-road testing program. If a method of roadside pullovers is used in the program, such method shall be employed with due regard to traffic safety considerations and performed with the assistance of inspectors of the Department of Motor Vehicles or members of state or municipal police forces.

[(g)**]** (j) (1) The commissioner, with approval of the Secretary of the Office of Policy and Management, shall establish, and from time to time modify, the inspection fees, not to exceed ten dollars per annual inspection or twenty dollars for each biennial inspection or reinspection required pursuant to this chapter for inspections performed at official emissions inspection stations. Such fees shall be paid in a manner prescribed by the commissioner. If the costs to the state of the emissions inspection program, including administrative costs and payments to any independent contractor, exceed the income from such **[**inspection**]** fees, such excess costs shall be borne by the state. Any person whose vehicle has been inspected at an official

emissions inspection station shall, if such vehicle is found not to comply with any required standards, have the vehicle repaired and have the right within thirty consecutive calendar days to return such vehicle for one reinspection without charge, provided, where the thirtieth day falls on any day when the official emissions inspection station is closed for business, such person may return such vehicle for reinspection on the next day on which such station is open for business. The commissioner shall assess a late fee of twenty dollars for the emissions inspection of a motor vehicle performed at an official emissions inspection station later than thirty days after the expiration date of the assigned inspection period provided the commissioner may waive such late fee when it is proven to the commissioner's satisfaction that the failure to have the vehicle inspected within thirty days of the assigned inspection period was due to exigent circumstances. If ownership of the motor vehicle has been transferred subsequent to the expiration date of the assigned inspection period and the new owner has such motor vehicle inspected within thirty days of the registration of such motor vehicle, the commissioner shall waive the late fee. If the thirtieth day falls on any day when the official emissions inspection station is closed for business, such vehicle may be inspected on the next day on which such station is open for business and no late fee shall be assessed. **[**The ten-dollar fee imposed pursuant to this subsection shall terminate at the expiration of the negotiated agreement in effect on June 1, 2000. The commissioner shall then establish a temporary inspection fee to remain in effect until such time as the General Assembly establishes a new fee.**]**

(2) If the commissioner authorizes a licensed dealer or repairer to conduct emissions inspections of 1996 model year and newer vehicles required by this chapter, the commissioner may authorize such licensee to charge a fee, not to exceed twenty dollars for each biennial inspection or reinspection.

(3) Upon the registration of each new motor vehicle subject to the inspection requirements of this chapter, or of each motor vehicle that is

four or less model years of age that has not been registered previously in this state, the commissioner shall issue a sticker indicating the exempt status of such motor vehicle and the date on which the motor vehicle is scheduled to be presented for inspection. Such sticker shall be displayed on the motor vehicle in accordance with subsection (d) of this section. On and after July 1, 2002, the commissioner shall charge a fee of forty dollars in addition to any other fees required for such registration. All receipts from the payment of such fee shall be deposited in the Special Transportation Fund. Any person whose vehicle is inspected by a licensed motor vehicle dealer or repairer appointed by the commissioner in accordance with the provisions of subsection (f) of this section shall, if such vehicle is found not to comply with any required standard, have the vehicle repaired and have the right no later than the thirtieth day following the date of the inspection to return such vehicle to the same facility for one reinspection without charge, provided, if the thirtieth day falls on any day when the inspection facility is closed for business, such person may return such vehicle for reinspection without charge on the next day on which such station is open for business.

[(h)**]** (k) The commissioner may acquire in the name of the state by purchase, lease, gift, devise or otherwise any special equipment, tools, materials or facilities needed to adequately administer, investigate or enforce the provisions of this chapter.

[(i)**]** (l) A person shall not in any manner represent any place to be an official emissions inspection station unless such station has been established and is operated under a valid inspection agreement with the commissioner.

[(j)**]** (m) No person, firm or corporation shall operate or allow to be operated any motor vehicle that has not been inspected and found to be in compliance with the provisions of subsections (c), (d) and **[**(f)**]** (h) of this section and the regulations adopted by the commissioner. Operation in violation of said subsections **[**(c), (d) and (f) and**]** or the

regulations adopted by the commissioner shall be an infraction for each violation, except that the fine for a first violation shall be thirty-five dollars. The commissioner may deny the issuance of registration to the owner of a motor vehicle, or the renewal of registration to any such owner, or suspend any registration that has been issued, if such motor vehicle is not in compliance with the inspection requirements of this chapter.

Sec. 43. (NEW) Notwithstanding the provisions of chapters 50, 58, 59 and 60 of the general statutes, the Commissioner of Motor Vehicles may enter into one or more agreements with one or more nonprofit associations or organizations representing the interests of motor vehicle dealers or repairers conducting business in this state for any one or more of the following purposes: (1) To facilitate the designation by the Commissioner of Motor Vehicles of licensed dealers and repairers qualified to conduct emissions inspections in accordance with subsection (f) of section 14-164c of the general statutes, as amended by this act, (2) to establish and maintain necessary electronic data capture and reporting systems for all emissions inspection activities, (3) to assist in the provision of technical training, education and certification of inspectors and repair technicians, (4) to enhance communications with licensees who are authorized to conduct emissions inspections and with the owners of motor vehicles subject to inspection requirements, and (5) to provide such additional services or administrative assistance as may be requested by the commissioner. No such agreement shall require the state to purchase any asset or to assume any unfunded liability.

Sec. 44. (NEW) Notwithstanding the provisions of section 13b-61 of the general statutes, commencing on July 1, 2001, and on the first day of each October, January, April and July thereafter, the State Comptroller shall transfer from the Special Transportation Fund into the Emissions Enterprise Fund, one million six hundred twenty-five thousand dollars of the funds received by the state pursuant to the fees imposed under sections 14-49b and 14-164c of the general statutes, as

amended by this act.

Sec. 45. Subsection (b) of section 14-164i of the general statutes is repealed and the following is substituted in lieu thereof:

(b) Not later than October 1, 1997, the Commissioner of Motor Vehicles shall provide for the commencement of emissions inspections of diesel-powered commercial motor vehicles operated on the highways of this state using the method or methods selected by the commissioner under subsection (a) of this section. Such inspections shall be performed in conjunction with any safety or weight inspection at any official weighing area or other location designated by the commissioner. In lieu of any such inspection performed by the commissioner, the commissioner may accept the results of an inspection performed (1) by agreement with an owner or operator of a fleet of diesel-powered commercial motor vehicles licensed by the commissioner pursuant to subsection **[**(f)**]** (h) of section 14-164c, as amended by this act, or (2) by any licensed motor vehicle dealer or repairer authorized by the commissioner, pursuant to this section, to establish a diesel-powered commercial motor vehicle inspection station. The Commissioner of Motor Vehicles shall design a sticker to be affixed to the windshield of a diesel-powered commercial motor vehicle which shall bear the date of inspection.

Sec. 46. Subsection (b) of section 13b-61 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) Notwithstanding any provision of subsection (a) of this section to the contrary, there shall be paid promptly to the State Treasurer and thereupon, unless required to be applied by the terms of any lien, pledge or obligation created by or pursuant to the 1954 declaration, part III (C) of chapter 240, credited to the Special Transportation Fund:

(1) On and after July 1, 1984, all moneys received or collected by the state or any officer thereof on account of, or derived from, sections 12-458 and 12-479, provided the State Comptroller is authorized to record

as revenue to the General Fund for the fiscal year ending June 30, 1984, the amount of tax levied in accordance with said sections 12-458 and 12-479, on all fuel sold or used prior to the end of said fiscal year and which tax is received no later than July 31, 1984;

(2) On and after July 1, 1984, all moneys received or collected by the state or any officer thereof on account of, or derived from, motor vehicle receipts;

(3) On and after July 1, 1984, all moneys received or collected by the state or any officer thereof on account of, or derived from, (A) subsection (a) of section 14-192, and (B) royalty payments for retail sales of gasoline pursuant to section 13a-80;

(4) On and after July 1, 1985, all moneys received or collected by the state or any officer thereof on account of, or derived from, license, permit and fee revenues as defined in section 13b-59, except as provided under subdivision (3) of this subsection;

(5) On or after July 1, 1989, all moneys received or collected by the state or any officer thereof on account of, or derived from, section 13b-70;

(6) On and after July 1, 1984, all transportation-related federal revenues of the state;

(7) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, fees for the relocation of a gasoline station under section 14-320;

(8) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, section 14-319;

(9) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, fees collected pursuant to section 14-327b for motor fuel quality registration

of distributors;

(10) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, annual registration fees for motor fuel dispensers and weighing or measuring devices pursuant to section 43-3;

(11) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, fees for the issuance of identity cards pursuant to section 1-1h;

(12) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, safety fees pursuant to subsection (w) of section 14-49;

(13) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, late fees for the emissions inspection of motor vehicles pursuant to subsection **[**(g)**]** (j) of section 14-164c, as amended by this act;

(14) On and after July 1, 1997, all moneys received or collected by the state or any officer thereof on account of, or derived from, the sale of information by the Commissioner of Motor Vehicles pursuant to subsection (b) of section 14-50a; and

(15) On and after October 1, 1998, all moneys received by the state or any officer thereof on account of, or derived from, section 14-212b.

Sec. 47. Subsection (a) of section 14-41 of the general statutes, as amended by section 74 of senate bill 2001 of the current session, is repealed and the following is substituted in lieu thereof:

(a) Except as provided in section 14-41a, each motor vehicle or motorcycle operator's license shall be renewed every six years or every four years on the date of the operator's birthday in accordance with a schedule to be established by the commissioner. On and after July 1, **[**2001**]** 2003, the Commissioner of Motor Vehicles shall screen the

vision of each motor vehicle operator prior to every other renewal of the operator's license of such operator in accordance with a schedule adopted by the commissioner. Such screening requirement shall apply to every other renewal following the initial screening. In lieu of the vision screening by the commissioner, such operator may submit the results of a vision screening conducted by a licensed health care professional qualified to conduct such screening on a form prescribed by the commissioner during the twelve months preceding such renewal. No motor vehicle operator's license may be renewed unless the operator passes such vision screening. The commissioner shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of this subsection relative to the administration of vision screening.

Sec. 48. Section 14-45a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with the provisions of chapter 54, concerning the licensing of persons with health problems. Such regulations shall (1) include basic standards for licensing decisions with respect to the most common and recurrent health problems, such as visual and neurological impairments, **[**and shall**]** (2) include procedures for the referral of individual cases to the medical advisory board, and (3) specify vision standards that are necessary for a person to operate a motor vehicle safely.

(b) Prior to issuing a motor vehicle operator's license to a person who has not previously been issued a license in this state or has not operated a motor vehicle within the preceding two years, the commissioner may require such person to pass a vision screening to determine if the person meets vision standards specified in the regulations adopted pursuant to subsection (a) of this section.

Sec. 49. Section 14-46g of the general statutes is repealed and the following is substituted in lieu thereof:

Any person whose operator's license has been suspended, restricted or revoked or whose application for an operator's license has been denied under section 14-45a, as amended by this act, or sections 14-46a to 14-46f, inclusive, shall have the right of appeal under chapter 54. No person may operate a motor vehicle in violation of any suspension, restriction or revocation while this appeal is pending.

Sec. 50. Subsection (b) of section 14-41a of the general statutes, as amended by section 75 of senate bill 2001 of the current session, is repealed and the following is substituted in lieu thereof:

(b) Notwithstanding the provisions of subsection (a) of section 14-36d, the Commissioner of Motor Vehicles may waive the requirement that a motor vehicle or motorcycle operator's license issued **[**for either a two-year period or a six-year period**]** to an operator sixty-five years of age or older bear a photograph of the operator upon written application by such operator and a showing of hardship, which shall include, but not be limited to, the proximity of such operator's residence to a Department of Motor Vehicles branch office providing license renewal services.

Sec. 51. Subsection (a) of section 14-50 of the general statutes, as amended by section 78 of senate bill 2001 of the current session, is repealed and the following is substituted in lieu thereof:

(a) Subject to the provisions of subsection (c) of section 14-41, there shall be charged a fee of **[**fifty-three dollars and twenty-five**]** thirty-five dollars and fifty cents for each renewal of a motor vehicle operator's license issued for a period of four years, a fee of fifty-three dollars and twenty-five cents for each renewal of a motor vehicle operator's license issued for a period of six years and an additional fee of nine dollars for each year for each passenger endorsement. There shall be charged a fee of thirty-seven dollars for each renewal of a motorcycle operator's license issued for a period of four years and a fee of fifty-five dollars and fifty cents for each renewal of a motorcycle operator's license issued for a period of six years; except that a person who holds a motor

vehicle operator's license shall not be charged a fee for the renewal of a motorcycle operator's license if such person renews said motor vehicle operator's license.

Sec. 52. Subsection (c) of section 14-12 of the general statutes is repealed and the following is substituted in lieu thereof:

(c) The commissioner may, for the more efficient administration of the commissioner's duties, appoint licensed dealers meeting qualifications established by the commissioner pursuant to regulations adopted in accordance with the provisions of chapter 54, to issue new registrations for passenger motor vehicles and motorcycles, campers, camp trailers or trucks with a gross vehicle weight up to and including twenty-six thousand pounds when they are sold. The commissioner shall charge such dealer a fee of ten dollars for each **[**book of twenty-five new dealer issue forms**]** new dealer issue form furnished for the purposes of this subsection. A person purchasing a motor vehicle or motorcycle from a dealer so appointed and registering the motor vehicle or motorcycle pursuant to this section shall file an application with the dealer and pay, to the dealer, a fee in accordance with the provisions of subsection (a) or (b) of section 14-49. The commissioner shall prescribe the time and manner in which the application and fee shall be transmitted to the commissioner.

Sec. 53. Section 14-61 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any dealer licensed under the provisions of this subdivision (D) who in the opinion of the commissioner is qualified and sells or trades a passenger motor vehicle, motorcycle, camper, camp trailer or truck with a gross vehicle weight up to and including twenty-six thousand pounds to a transferee who holds a current registration certificate for a passenger motor vehicle, motorcycle, camper, camp trailer or truck with a gross vehicle weight up to and including twenty-six thousand pounds registered in this state may issue a sixty-day temporary transfer of such registration to the vehicle transferred with an official

stamp issued by the commissioner, under regulations adopted by the commissioner, to such dealer. The commissioner shall charge such dealer a fee of **[**five**]** ten dollars for each **[**book of twenty-five**]** new temporary dealer transfer **[**forms**]** form furnished for the purposes of this section. No dealer may make such temporary transfer of a registration unless the transferee surrenders the current registration certificate to the dealer indicating the disposition of the vehicle described thereon in the space provided on the reverse side of such certificate and unless the transferee is eighteen years of age or older. The dealer shall, within five days from the issuance of such temporary registration, submit to the commissioner an application together with all necessary documents for a permanent registration for the vehicle transferred. No such temporary registration may be issued if the transferred passenger motor vehicle, motorcycle, camper, camp trailer or truck with a gross vehicle weight up to and including twenty-six thousand pounds is used and was not previously registered in this state unless the inspection requirements of section 14-12, as amended by this act, have been met or, if such motor vehicle is ten or more years old, unless the inspection requirements of section 14-16a have been met, or if such motor vehicle has been declared a total loss by an insurance company, unless the inspection requirements of section 14-103a have been met.

(b) The commissioner may require any dealer who is authorized to issue a temporary transfer of registration in accordance with subsection (a) of this section or a new registration in accordance with subsection (c) of section 14-12, as amended by this act, to file each application for a permanent registration by electronic transmission of an electronic record if the commissioner determines that the dealer files, on average, twenty-five or more such applications for permanent registration each month with the Department of Motor Vehicles. The provisions of this subsection do not preclude any such dealer from filing an application for a permanent registration in person at any branch office of the department.

Sec. 54. Section 14-12l of the general statutes is repealed and the following is substituted in lieu thereof:

(a) After **[**October 1, 2001**]** July 1, 2003, the Department of Motor Vehicles, as part of any procedure for issuing any motor vehicle registration, shall require each person making application for a motor vehicle registration to provide the owner's federal Social Security account number or federal employer identification number, or both, if available, to said department or where such number or numbers are unavailable, the reason or reasons for the unavailability. The number or reason shall be obtained by said department as part of the administration of taxes administered by the Commissioner of Revenue Services for the purpose of establishing the identification of persons affected by such taxes.

(b) The Department of Motor Vehicles shall, on or before February 1, **[**2002**]** 2004, and February first, annually thereafter, furnish to the Commissioner of Revenue Services on a compatible magnetic tape file or in some other form which is acceptable to said commissioner, a list of all persons to whom motor vehicle registrations were issued by said department during the preceding calendar year.

(c) Each list provided to the Commissioner of Revenue Services pursuant to this section shall contain the name, address and federal Social Security account number or federal employer identification number or both, of each person named on such list, if available to such agency or the reason for the unavailability.

Sec. 55. Section 6-32f of the general statutes is repealed and the following is substituted in lieu thereof:

The Judicial Department shall be responsible for courthouse security and shall employ judicial marshals for such purpose. The Chief Court Administrator may establish employment standards and implement appropriate training programs to assure court security. Any property used by the sheriffs for court security shall be

transferred to the Judicial Department. The Chief Court Administrator shall be responsible for the custody, care and control of courthouse facilities. As used in this section, "courthouse security" and "court security" include the provision of security services to any judicial facility or to any facility of a state agency pursuant to a written agreement, provided (1) such facility is located contiguous to a courthouse, and (2) the Chief Court Administrator determines that, based on the proximity and design of the courthouse and the contiguous facility, the security requirements are mutual and best served through the provision of security services by judicial marshals.

Sec. 56. (NEW) (a) The Commissioner of Economic and Community Development, in consultation with the Commissioner of Social Services and the Labor Commissioner, may establish, within available appropriations, an entrepreneurial training program for the purpose of training and preparing former recipients of temporary family assistance, general assistance, state-administered general assistance and aid to families with dependent children, ex-offenders and high school drop-outs for self-employment and entrepreneurial opportunities.

(b) The Commissioner of Economic and Community Development may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the purposes of this section.

Sec. 57. On or before June 30, 2002, the Secretary of the Office of Policy and Management shall make a grant of one million dollars to Boundless Playgrounds, Inc. for the purpose of providing challenge grant awards and technical services for the development of universally accessible playgrounds for children of all abilities. Such funds shall be used for the purchase and installation of surface materials and equipment, and for project management, playground design and quality control. Each municipality, school district or nonprofit organization awarded a challenge grant shall be required to match every state dollar awarded with one dollar of nonstate funds to be

expended for the construction of such playground. Challenge grant funds shall be used exclusively for the purchase and installation of surface materials and equipment.

Sec. 58. Subsection (g) of section 51-345 of the general statutes is repealed and the following is substituted in lieu thereof:

(g) Venue for small claims matters shall be at Superior Court facilities designated by the Chief Court Administrator to hear such matters. In small claims matters, civil process shall be made returnable to **[**a**]** the Superior Court facility designated by the Chief Court Administrator to serve the small claims area **[**within the boundaries of the judicial district**]** where the plaintiff resides, where the defendant resides or is doing business or where the transaction or injury occurred. If the plaintiff is either a domestic corporation, United States corporation, a foreign corporation or a limited liability company, civil process shall be made returnable to a Superior Court facility designated by the Chief Court Administrator to serve the small claims area within the boundaries of the judicial district where the defendant resides or is doing business or where the transaction or injury occurred.

Sec. 59. Subsection (c) of section 51-346 of the general statutes is repealed and the following is substituted in lieu thereof:

(c) Cases brought or taken to any location of the Superior Court may be assigned for trial at such location or at any other authorized court location within the judicial district, except that small claims matters may be heard at any Superior Court facility designated by the Chief Court Administrator.

Sec. 60. Section 51-348 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The geographical areas of the Court of Common Pleas established pursuant to section 51-156a, revised to 1975, shall be the

geographical areas of the Superior Court on July 1, 1978. The Chief Court Administrator, after consultation with the judges of the Superior Court, may alter the boundary of any geographical area to provide for a new geographical area provided that each geographical area so altered or so authorized shall remain solely within the boundary of a single judicial district.

(b) Such geographical areas shall serve for purposes of establishing venue for the following matters: (1) The presentment of defendants in motor vehicle matters, except as provided in subsection (d) of this section; (2) the arraignment of defendants in criminal matters; (3) housing matters as defined in section 47a-68, except that (A) in the judicial districts of Hartford, New Britain, New Haven, Fairfield, Waterbury, Middlesex, Tolland and Stamford-Norwalk, venue shall be in the judicial district, and (B) in the judicial district of Ansonia-Milford, venue shall be in the geographical area unless (i) the plaintiff requests a change in venue to either the judicial district of New Haven or the judicial district of Waterbury, or (ii) the premises are located in the town of Milford, Orange or West Haven, in which case venue shall be in the judicial district of New Haven; (4) such other matters as the judges of the Superior Court may determine by rule.

(c) For the prompt and proper administration of judicial business, any matter and any trial can be heard in any courthouse within a judicial district, at the discretion of the Chief Court Administrator, if the use of such courthouse for such matter or trial is convenient to litigants and their counsel and is a practical use of judicial personnel and facilities, except juvenile matters may be heard as provided in section 46b-122. Whenever practicable family relations matters shall be heard in facilities most convenient to the litigants. Housing matters, as defined in section 47a-68, shall be heard on a docket separate from other matters within the judicial districts of Hartford, New Britain, New Haven, Fairfield, Waterbury and Stamford-Norwalk, provided in the judicial district of New Britain such matters shall be heard by the judge assigned to hear housing matters in the judicial district of

Hartford, in the judicial district of Waterbury such matters shall be heard by the judge assigned to hear housing matters in the judicial district of New Haven, and in the judicial district of Stamford-Norwalk such matters shall be heard by the judge assigned to hear housing matters in the judicial district of Fairfield. The records, files and other documents pertaining to housing matters shall be maintained separate from the records, files and other documents of the court. Matters do not have to be heard in the facilities to which the process is returned and the pleadings filed.

(d) Venue for motor vehicle matters shall be at Superior Court facilities designated by the Chief Court Administrator to hear such matters.

Sec. 61. Section 22a-165a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) There is established a fund to be known as the "Low-Level Radioactive Waste Management Fund". The fund may contain any moneys required by law to be deposited in the fund and shall be held by the Treasurer separate and apart from all other moneys, funds and accounts. All moneys within the fund shall be invested by the State Treasurer in accordance with established investment practices and all interest earned by such investments shall be returned to the fund. Any balance remaining in said fund at the end of any fiscal year shall be carried forward in said fund for the fiscal year succeeding.

(b) Moneys in the fund shall be expended by the Commissioner of Environmental Protection, with the approval of the secretary, only to pay the state's expenses, costs of acquiring an option to purchase land for a low-level radioactive waste management site and grants to municipalities pursuant to subsection (b) of section 22a-163d.

(c) If the Northeast Interstate Low-Level Radioactive Waste Commission rescinds the state's host state designation, the secretary shall, at the next reporting date pursuant to subsection (b) of section

22a-165c, as amended by this act, immediately following such rescission, recommend a plan to the General Assembly for the disposition of moneys remaining in said fund and the disposition of any balances owed to said fund.

Sec. 62. Subsection (b) of section 22a-165c of the general statutes is repealed and the following is substituted in lieu thereof:

(b) The secretary shall, on or before February 1, 1990, and annually thereafter, provided an assessment is deemed necessary pursuant to subsection (a) of this section, submit a report with **[**his**]** a recommended assessment to the General Assembly. Within thirty days of receipt of the recommended assessment, the General Assembly shall approve, reject or modify the assessment as a whole by a majority vote of those present and voting on the matter. If the General Assembly does not act within thirty days, the recommended assessment shall be deemed approved.

Sec. 63. (NEW) Notwithstanding the provisions of section 22a-165a of the general statutes, as amended by this act, the balance of funds in the Low-Level Radioactive Waste Management Fund shall be transferred to a nonlapsing account within the Office of Policy and Management that shall be available for expenditure by the Office of Policy and Management for low-level radioactive waste management activities and related contingencies.

Sec. 64. Section 51-197c of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Appellate Court shall consist of nine judges, except as provided in subsection (b) of this section, who shall also be judges of the Superior Court, and who shall be appointed by the General Assembly, upon nomination of the Governor for a term of eight years. The judges shall sit in panels of three, or en banc, pursuant to rules adopted by the Appellate Court. The Chief Justice shall designate one of these judges as chief judge of the Appellate Court.

(b) If a judge of the Appellate Court (1) is appointed the Chief Court Administrator, or (2) on the effective date of this act, is serving as the Chief Court Administrator, the Appellate Court shall consist of ten judges for the remainder of said judge's current term on the Appellate Court, or until his or her retirement from full-time active service, whichever occurs first. The tenth judge shall also be a judge of the Superior Court and shall be appointed by the General Assembly upon nomination of the Governor for a term of eight years.

[(b)**]** (c) With the approval of the Chief Justice, the Chief Judge shall (1) schedule such sessions as may be necessary, at such locations as the facilitation of court business requires, (2) designate as many panels as may be necessary, each consisting of three judges assigned by **[**him**]** the Chief Judge, and (3) designate a presiding judge for each panel on which **[**he**]** the Chief Judge does not sit.

[(c)**]** (d) Every judge of the Superior Court shall, by virtue of **[**his**]** appointment to the Superior Court, be qualified to serve as a judge on the Appellate Court.

[(d)**]** (e) Each of the parties in any case shall have a right to be heard by a full panel. The Chief Judge, with the approval of the Chief Justice, may summon one or more of the judges of the Superior Court to constitute a full panel.

[(e)**]** (f) The judges of the Appellate Court shall be released from sitting on the Superior Court, except that the Chief Justice may assign any such judge to sit on the Superior Court whenever in **[**his**]** the Chief Justice's judgment the public business may require it.

(g) If the Chief Court Administrator is a judge of the Appellate Court, said Chief Court Administrator shall be released from sitting on the Appellate Court, except that the Chief Justice may assign the Chief Court Administrator to sit on the Appellate Court whenever, in the Chief Justice's judgment, the public business may require it.

[(f)**]** (h) Each Chief Judge or judge of the Appellate Court who elects to retain **[**his**]** such judge's office but to retire from full-time active service shall continue to be a member of the Appellate Court during the remainder of **[**his**]** such judge's term of office and during the term of any reappointment under section 51-50i, until **[**he**]** such judge attains the age of seventy years. **[**He**]** Such judge shall be entitled to participate in the meetings of the judges of the Appellate Court and to vote as a member thereof.

[(g)**]** (i) In each appeal to the Appellate Court, the party appealing shall pay a record fee as prescribed in section 52-259, at such time as is fixed by rule of court, which amount shall be taxed in favor of the appellant if judgment is finally rendered in **[**his**]** such appellant's favor.

Sec. 65. Section 4-124q of the general statutes is repealed and the following is substituted in lieu thereof:

There shall annually be paid to each regional planning agency organized under the provisions of chapter 127, each regional council of governments organized under the provisions of this chapter, and each regional council of elected officials organized under the provisions of this chapter in any planning region without a regional planning agency, from **[**the**]** any appropriation for such purpose, a grant-in-aid equal to (1) five and three-tenths per cent of any such appropriation plus (2) for each agency or council which raises local dues in excess of five and three-tenths per cent of any such appropriation, an additional grant in an amount equal to the product obtained by multiplying **[**the**]** any appropriation available for the purpose of this subdivision by the following fraction: The amount of dues raised by such agency or council pursuant to section 8-34a, section 4-124f or section 4-124p in excess of five and three-tenths of any such appropriation shall be the numerator. The amount of such dues raised by each such agency or council in excess of five and three-tenths per cent of any such appropriation shall be added together and the sum shall be the denominator.

Sec. 66. Section 38a-47 of the general statutes is repealed and the following is substituted in lieu thereof:

All domestic insurance companies and other domestic entities subject to taxation under chapter 207 shall, in accordance with section 38a-48, annually pay to the Insurance Commissioner, for deposit in the Insurance Fund established under section 38a-52a, an amount equal to the actual expenditures made by the Insurance Department during each fiscal year, and the actual expenditures made by the Office of the Managed Care Ombudsman, including the cost of fringe benefits for department and office personnel as estimated by the Comptroller, plus the expenditures made on behalf of the department and the office from the Capital Equipment Purchase Fund pursuant to section 4a-9 for such year, but excluding expenditures paid for by fraternal benefit societies, foreign and alien insurance companies and other foreign and alien entities under sections 38a-49 and 38a-50. Payments shall be made by assessment of all such domestic insurance companies and other domestic entities calculated and collected in accordance with the provisions of section 38a-48. Any such domestic insurance company or other domestic entity aggrieved because of any assessment levied under this section may appeal therefrom in accordance with the provisions of section 38a-52.

Sec. 67. Section 38a-48 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) On or before June thirtieth, annually, the Commissioner of Revenue Services shall render to the Insurance Commissioner a statement certifying the amount of taxes or charges imposed on each domestic insurance company or other domestic entity under chapter 207 on business done in this state during the preceding calendar year; the statement for local domestic insurance companies shall set forth the amount of taxes and charges before any tax credits allowed as provided in section 12-202.

(b) On or before July thirty-first, annually, the Insurance

Commissioner and the Office of the Managed Care Ombudsman shall render to each domestic insurance company or other domestic entity liable for payment under section 38a-47, (1) a statement which includes the amount appropriated to the Insurance Department and the Office of the Managed Care Ombudsman for the fiscal year beginning July first of the same year, the cost of fringe benefits for department and office personnel for such year, as estimated by the Comptroller, and the estimated expenditures on behalf of the department and the office from the Capital Equipment Purchase Fund pursuant to section 4a-9 for such year, (2) a statement of the total taxes imposed on all domestic insurance companies and domestic insurance entities under chapter 207 on business done in this state during the preceding calendar year and (3) the proposed assessment against that company or entity, calculated in accordance with the provisions of subsection (c) of this section, provided that for the purposes of this calculation the amount appropriated to the Insurance Department and the Office of the Managed Care Ombudsman plus the cost of fringe benefits for department and office personnel and the estimated expenditures on behalf of the department and the office from the Capital Equipment Purchase Fund pursuant to section 4a-9 shall be deemed to be the actual expenditures of the department and the office.

(c) (1) The proposed assessments for each domestic insurance company or other domestic entity shall be calculated by (A) allocating twenty per cent of the amount to be paid under section 38a-47 among the domestic entities organized under sections 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, in proportion to their respective shares of the total taxes and charges imposed under chapter 207 on such entities on business done in this state during the preceding calendar year, and (B) allocating eighty per cent of the amount to be paid under section 38a-47 among all domestic insurance companies and domestic entities other than those organized under sections 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, in proportion to their respective shares of the total taxes and charges imposed under chapter 207 on such domestic insurance companies

and domestic entities on business done in this state during the preceding calendar year, provided if there are no domestic entities organized under sections 38a-199 to 38a-209, inclusive, and 38a-214 to 38a-225, inclusive, at the time of assessment, one hundred per cent of the amount to be paid under section 38a-47 shall be allocated among such domestic insurance companies and domestic entities. (2) When the amount any such company or entity is assessed pursuant to this section exceeds twenty-five per cent of the actual expenditures of the Insurance Department and the Office of the Managed Care Ombudsman, such excess amount shall not be paid by such company or entity but rather shall be assessed against and paid by all other such companies and entities in proportion to their respective shares of the total taxes and charges imposed under chapter 207 on business done in this state during the preceding calendar year. The provisions of this subdivision shall not be applicable to any corporation which has converted to a domestic mutual insurance company pursuant to section 38a-155 upon the effective date of any public act which amends said section to modify or remove any restriction on the business such a company may engage in, for purposes of any assessment due from such company on and after such effective date.

(d) For purposes of calculating the amount of payment under section 38a-47, as well as the amount of the assessments under this section, the "total taxes imposed on all domestic insurance companies and other domestic entities under chapter 207" shall be based upon the amounts shown as payable to the state for the calendar year on the returns filed with the Commissioner of Revenue Services pursuant to chapter 207; with respect to calculating the amount of payment and assessment for local domestic insurance companies, the amount used shall be the taxes and charges imposed before any tax credits allowed as provided in section 12-202.

(e) On or before September thirtieth, annually, for each fiscal year ending prior to July 1, 1990, the Insurance Commissioner and the Managed Care Ombudsman, after receiving any objections to the

proposed assessments and making such adjustments as in **[**his**]** their opinion may be indicated, shall assess each such domestic insurance company or other domestic entity an amount equal to its proposed assessment as so adjusted. Each domestic insurance company or other domestic entity shall pay to the Insurance Commissioner on or before October thirty-first an amount equal to fifty per cent of its assessment adjusted to reflect any credit or amount due from the preceding fiscal year as determined by the commissioner under subsection (g) of this section. Each domestic insurance company or other domestic entity shall pay to the Insurance Commissioner on or before the following April thirtieth, the remaining fifty per cent of its assessment.

(f) On or before September first, annually, for each fiscal year ending after July 1, 1990, the Insurance Commissioner and the Managed Care Ombudsman, after receiving any objections to the proposed assessments and making such adjustments as in **[**his**]** their opinion may be indicated, shall assess each such domestic insurance company or other domestic entity an amount equal to its proposed assessment as so adjusted. Each domestic insurance company or other domestic entity shall pay to the Insurance Commissioner (1) on or before June 30, 1990, and on or before June thirtieth annually thereafter, an estimated payment against its assessment for the following year equal to twenty-five per cent of its assessment for the fiscal year ending such June thirtieth, (2) on or before September thirtieth, annually, twenty-five per cent of its assessment adjusted to reflect any credit or amount due from the preceding fiscal year as determined by the commissioner under subsection (g) of this section, and (3) on or before the following December thirty-first and March thirty-first, annually, each domestic insurance company or other domestic entity shall pay to the Insurance Commissioner the remaining fifty per cent of its proposed assessment to the department in two equal installments.

(g) Immediately following the close of the fiscal year, the Insurance Commissioner and the Managed Care Ombudsman shall recalculate

the proposed assessment for each domestic insurance company or other domestic entity in accordance with subsection (c) of this section using the actual expenditures made by the Insurance Department and the Office of the Managed Care Ombudsman during that fiscal year and the actual expenditures made on behalf of the department and the office from the Capital Equipment Purchase Fund pursuant to section 4a-9. On or before July thirty-first, the Insurance Commissioner and the Managed Care Ombudsman shall render to each such domestic insurance company and other domestic entity a statement showing the difference between their respective recalculated assessments and the amount they have previously paid. On or before August thirty-first, the Insurance Commissioner and the Managed Care Ombudsman, after receiving any objections to such statements, shall make such adjustments which in [his] their opinion may be indicated, and shall render an adjusted assessment, if any, to the affected companies.

(h) If any assessment is not paid when due, a penalty of ten dollars shall be added thereto, and interest at the rate of six per cent per annum shall be paid thereafter on such assessment and penalty.

(i) The commissioner shall deposit all payments made under this section with the State Treasurer. On and after June 6, 1991, the moneys so deposited shall be credited to the Insurance Fund established under section 38a-52a and shall be accounted for as expenses recovered from insurance companies.

Sec. 68. (NEW) Due to the designation of the cities of Hartford and Waterbury as distressed municipalities, the money appropriated to the Department of Education, in section 1 of house bill 7501 of the current session, for Supplemental Education Aid, shall not be considered general budget expenditures for the fiscal year ending June 30, 2002.

Sec. 69. Subsection (a) of section 52-261 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Except as provided in subsection (b) of this section and section

52-261a, each officer or person who serves process, summons or attachments shall receive a fee of not more than **[**twenty**]** thirty dollars for each process served and an additional fee of ten dollars for the second and each subsequent defendant upon whom the process is served. Each such officer or person shall also receive the fee set by the Department of Administrative Services for state employees for each mile of travel, to be computed from the place where such officer or person received the process to the place of service, and thence in the case of civil process to the place of return. If more than one process is served on one person at one time by any such officer or person, the total cost of travel for the service shall be the same as for the service of one process only. Each officer or person who serves process shall also receive the moneys actually paid for town clerk's fees on the service of process. Any officer or person required to summon jurors by personal service of a warrant to attend court shall receive for the first ten miles of travel while so engaged, such mileage to be computed from the place where such officer or person receives the process to the place of service, twenty-five cents for each mile, and for each additional mile, ten cents. For summoning any juror to attend court otherwise than by personal service of the warrant, such officer or person shall receive only the sum of fifty cents and actual disbursements necessarily expended by such officer or person in making service thereof as directed. Notwithstanding the provisions of this section, for summoning grand jurors, such officer or person shall receive only such officer's or person's actual expenses and such reasonable sum for services as are taxed by the court. The following fees shall be allowed and paid: (1) For taking bail or bail bond, one dollar; (2) for copies of writs and complaints, exclusive of endorsements, one dollar per page, not to exceed a total amount of nine hundred dollars in any particular matter; (3) for endorsements, forty cents per page or fraction thereof; (4) for service of a warrant for the seizure of intoxicating liquors, or for posting and leaving notices after the seizure, or for the destruction or delivery of any such liquors under order of court, twenty dollars; (5) for the removal and custody of such liquors so seized, reasonable

expenses, and twenty dollars; (6) for levying an execution, when the money is actually collected and paid over, or the debt secured by the officer to the acceptance of the creditor, ten per cent on the amount of the execution, provided the minimum fee for such execution shall be twenty dollars; (7) on the levy of an execution on real property and on application for sale of personal property attached, to each appraiser, for each half day of actual service, reasonable and customary expenses; (8) for causing an execution levied on real property to be recorded, fees for travel, twenty dollars and costs; (9) for services on an application for the sale of personal property attached, or in selling mortgaged property foreclosed under a decree of court, the same fees as for similar services on executions; (10) for committing any person to a community correctional center, in civil actions, twenty-one cents a mile for travel, from the place of the court to the community correctional center, in lieu of all other expenses; and (11) for summoning and attending a jury for reassessing damages or benefits on a highway, three dollars a day. The court shall tax as costs a reasonable amount for the care of property held by any officer under attachment or execution. The officer serving any attachment or execution may claim compensation for time and expenses of any person, in keeping, securing or removing property taken thereon, provided such officer shall make out a bill. The bill shall specify the labor done, and by whom, the time spent, the travel, the money paid, if any, and to whom and for what. The compensation for the services shall be reasonable and customary and the amount of expenses and shall be taxed by the court with the costs.

Sec. 70. (a) For the fiscal years ending June 30, 2002, and June 30, 2003, the sum of $125,000 appropriated to the Department of Agriculture, in sections 1 and 11 of house bill 7501 of the current session, for Connecticut Grown Product Promotion, shall be transferred to the Agricultural Experiment Station, and be available for expenditure for Wildlife Fertility Control.

(b) For the fiscal year ending June 30, 2002, the sum of $150,000

appropriated to the Labor Department for the CEIP Phase-Out in subsection (a) of section 47 of house bill 7501 of the current session, shall be transferred to Judicial, to Other Expenses, for a grant to Through Any Door.

Sec. 71. Within available appropriations, the Agricultural Experiment Station shall conduct a study of aerial pesticide spraying and alternative methods of pesticide application and report any findings to the joint standing committees of the General Assembly having cognizance of matters relating to the environment and commerce.

Sec. 72. (a) The sum of $250,000 appropriated to the Office of Policy and Management in subsection (a) of section 47 of house bill 7501 of the current session, for Arts, Recreation & Culture Grants, shall be transferred to Municipal Revenue Sharing/Impact Aid.

(b) the $250,000 transferred in subsection (a) of this section to Municipal Revenue Sharing/Impact Aid shall be used to increase the aid provided to Norwich in section 48 of house bill 7501 of the current session.

Sec. 73. Section 29 of public act 01-204 is repealed and the following is substituted in lieu thereof:

[This act**]** Public act 01-204 shall take effect from its passage, except that section 5 shall take effect July 1, 2002, and sections 14 to **[**28**]** 26, inclusive, and section 28 shall take effect October 1, 2001.

Sec. 74. Section 54-125a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) A person convicted of one or more crimes who is incarcerated on or after October 1, 1990, who received a definite sentence or aggregate sentence of more than two years, and who has been confined under such sentence or sentences for not less than one-half of the aggregate sentence or one-half of the most recent sentence imposed by the court,

whichever is greater, may be allowed to go at large on parole in the discretion of the panel of the Board of Parole for the institution in which the person is confined, if (1) it appears from all available information, including any reports from the Commissioner of Correction that the panel may require, that there is reasonable probability that such inmate will live and remain at liberty without violating the law, and (2) such release is not incompatible with the welfare of society. At the discretion of the panel, and under the terms and conditions as may be prescribed by the panel including requiring the parolee to submit personal reports, the parolee shall be allowed to return to **[**his**]** the parolee's home or to reside in a residential community center, or to go elsewhere. The parolee shall, while on parole, remain in the legal custody and control of the board until the expiration of the maximum term or terms for which **[**he**]** the parolee was sentenced. Any parolee released on the condition that **[**he**]** the parolee reside in a residential community center may be required to contribute to the cost incidental to such residence. Each order of parole shall fix the limits of the parolee's residence, which may be changed in the discretion of such panel. Within three weeks after the commitment of each person sentenced to more than one year, the state's attorney for the judicial district shall send to the Board of Parole the record, if any, of such person.

(b) (1) No person convicted of any of the following offenses, which was committed on or after July 1, 1981, shall be eligible for parole under subsection (a) of this section: Capital felony, as defined in section 53a-54b, felony murder, as defined in section 53a-54c, arson murder, as defined in section 53a-54d, murder, as defined in section 53a-54a, or any offense committed with a firearm, as defined in section 53a-3, in or on, or within one thousand five hundred feet of, the real property comprising a public or private elementary or secondary school. (2) A person convicted of an offense, other than an offense specified in subdivision (1) of this subsection, where the underlying facts and circumstances of the offense involve the use, attempted use or threatened use of physical force against another person shall be

ineligible for parole under subsection (a) of this section until such person has served not less than eighty-five per cent of the definite sentence imposed.

(c) The Board of Parole shall, not later than July 1, 1996, adopt regulations in accordance with chapter 54 to ensure that a person convicted of an offense described in subdivision (2) of subsection (b) of this section is not released on parole until such person has served eighty-five per cent of the definite sentence imposed by the court. Such regulations shall include guidelines and procedures for classifying a person as a violent offender that are not limited to a consideration of the elements of the offense or offenses for which such person was convicted.

(d) Not later than January 15, 2002, the Board of Parole shall submit a report to the Secretary of the Office of Policy and Management and, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to the Board of Parole, public safety and appropriations and the budgets of state agencies setting forth the number of all persons whose eligibility for parole release is subject to subsection (a) of this section who, as of January 1, 2002, have completed seventy-five per cent of their definite sentence and have not been approved for parole release. Not later than February 15, 2002, and not later than the fifteenth day of each month thereafter, the Board of Parole shall submit a report to the Secretary of the Office of Policy and Management and, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to the Board of Parole, public safety and appropriations and the budgets of state agencies setting forth the number of all such persons who have completed seventy-five per cent of their definite sentence in the preceding month and were not approved for parole release.

Sec. 75. Not later than February 6, 2002, the Department of Mental

Health and Addiction Services, in conjunction with the Board of Parole and the Department of Correction, within available appropriations, shall report to the joint standing committees of the General Assembly having cognizance of matters relating to criminal justice and public health, the recommendations of the department concerning the development of, and an implementation plan for, a standardized risk assessment of persons with mental health needs who are eligible for parole or other community release programs. In the preparation of such report, the Department of Mental Health and Addiction Services may consult with representatives of public and private institutions of higher learning.

Sec. 76. (NEW) (a) For the purposes of this section, "ombudsman services" includes (1) the receipt of complaints by the ombudsman from inmates in the custody of the Department of Correction including inmates housed in other states, regarding decisions, actions and omissions, policies, procedures, rules and regulations of the department, (2) investigating such complaints, rendering a decision on the merits of each complaint and communicating the decision to the complainant, (3) recommending to the Commissioner of Correction a resolution of any complaint found to have merit, (4) recommending policy revisions to the department, and (5) publishing a quarterly report of all ombudsman services activities.

(b) The Commissioner of Correction shall, within available appropriations, contract for the provision of ombudsman services and shall annually report the name of the person or persons with whom the department has so contracted to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction in accordance with the provisions of section 11-4a of the general statutes.

(c) Prior to any person in the custody of the Commissioner of Correction obtaining ombudsman services, such person shall have reasonably pursued a resolution of the complaint through any existing

internal grievance or appellate procedures of the Department of Correction.

(d) All oral and written communications, and records relating thereto, between an inmate and the ombudsman or a member of the ombudsman's staff, including, but not limited to, the identity of a complainant, the details of a complaint and the investigative findings and conclusions of the ombudsman shall be confidential and shall not be disclosed without the consent of the inmate, except that the ombudsman may disclose without the consent of the inmate (1) such communications or records as may be necessary in order for the ombudsman to conduct an investigation and support any recommendations the ombudsman may make, or (2) the formal disposition of an inmate's complaint when requested in writing by a court hearing such inmate's application for a writ of habeas corpus that was filed subsequent to an adverse finding by the ombudsman on such inmate's complaint.

(e) Notwithstanding the provisions of subsection (d) of this section, whenever in the course of providing ombudsman services, the ombudsman or a member of the ombudsman's staff becomes aware of the commission or planned commission of a criminal act or a threat to the health and safety of any individual or the security of a correctional facility, the ombudsman shall notify the Commissioner of Correction or a facility administrator of such act or threat and the nature and target thereof.

(f) If the commissioner has a reasonable belief that an inmate has made or provided to the ombudsman an oral or written communication concerning a safety or security threat within the Department of Correction or directed against an employee of the department, the ombudsman shall provide to the commissioner all oral or written communications relevant to such threat.

Sec. 77. (NEW) (a) The Court Support Services Division may establish, within available appropriations, in the judicial district of

New Haven, an alternative incarceration center that, in addition to the programs and services offered by an alternative incarceration center, provides a residential and day reporting program for accused and convicted persons with mental health needs.

(b) A full range of mental health services shall, within available appropriations, be provided to the program participants. A clinical coordinator shall work with the director of the alternative incarceration center in facilitating timely access to appropriate services and shall develop a network of community, social and vocational rehabilitation supports that will enhance successful program participation and long-term community integration.

Sec. 78. (NEW) (a) Notwithstanding the provisions of the general statutes, any project that is eligible for state financial aid for demolition of buildings shall be eligible to apply for state financial aid under the same program such project was eligible for demolition for the costs of moving one or more buildings that are a part of such project from one location to another, provided (1) the subject buildings currently contain or will be renovated to contain one or more dwelling units per building, and (2) the total cost of relocating the subject buildings does not exceed by more than ten per cent the total of all costs associated with the demolition of such buildings, including, but not limited to: The costs of preparing the buildings for demolitions, including the costs of abatement of asbestos and other hazardous materials; the actual costs of taking the buildings down; the relocation of residents, including the costs of relocation assistance; utility relocation; environmental remediation after the buildings have been demolished; removal of the foundations; the filling of the site with clean fill; and any other costs associated with the demolition of the buildings or the return of the sites to a condition suitable for future development, provided any costs which would be incurred regardless of whether the subject buildings are moved or demolished shall not be included in such comparison in any way, and (3) the entity requesting state financial aid can demonstrate to the agency providing state financial

aid the benefits to the neighborhood or municipality of preserving the character of the area by retaining the subject buildings.

(b) Any relocation of a building eligible for relocation assistance under subsection (a) of this section shall be deemed to be a rehabilitation of such building for the purposes of determining the eligibility of the building or the project of which it is a part for any state program of financial assistance.

(c) Any building that is moved in accordance with this section shall comply with the separate standards within the State Building Code for the rehabilitation of buildings.

(d) Nothing in this section shall be deemed to preclude any agency from providing for the costs of relocating a building under circumstances that do not meet the provisions of this section.

Sec. 79. (NEW) The Department of Information Technology may make grants to further the use of technology, including education in technology.

Sec. 80. Subsection (4) of section 32-39 of the general statutes is repealed and the following is substituted in lieu thereof:

(4) **[**With the approval of the Secretary of the Office of Policy and Management, to**]** To invest in, acquire, lease, purchase, own, manage, hold and dispose of real property and lease, convey or deal in or enter into agreements with respect to such property on any terms necessary or incidental to the carrying out of these purposes; provided, however, that all such acquisitions of real property for the corporation's own use with amounts appropriated by the state to the corporation or with the proceeds of bonds supported by the full faith and credit of the state shall be subject to the approval of the Secretary of the Office of Policy and Management and the provisions of section 4b-23. **[**and further provided the foregoing requirements of this subdivision shall not apply to affiliates which acquire, lease, purchase, own, manage, hold

or dispose of real property and which affiliates engage in such activities primarily for use by or for the benefit of technology companies;**]**

Sec. 81. (NEW) (a) The legislative body of any municipality or part thereof designated as a participating municipality by the Connecticut Housing Finance Authority, for purposes of the Urban Rehabilitation Homeownership Program, may, by ordinance, authorize such municipality to enter into a written agreement with any owner of any real property located in such municipality or eligible part thereof who agrees to rehabilitate such real property with assistance provided by the Connecticut Housing Finance Authority under said program. Such agreement shall provide that any increase in assessment attributable to such rehabilitation shall be deferred for a period of five years from the date such rehabilitation is completed.

(b) Any such assessment increase deferral agreement shall provide for (1) the completion of such rehabilitation by a date fixed, (2) the inspection and certification by the local building official that the completed rehabilitation is in conformance with such provisions of the state building and health codes and the local housing code as may apply, and (3) the continued residence of the applicant in such property during the period of said deferral. Said agreement shall further provide that, in the event of a general revaluation by the municipality in the year in which such rehabilitation is completed resulting in any increase in the assessment of such property, only that portion of the increase resulting from such rehabilitation shall be deferred; and in the event of a general revaluation in any year after the year in which such rehabilitation is completed, such deferred assessment shall be increased or decreased in proportion to the increase or decrease in the total assessment on such property as a result of such general revaluation.

Sec. 82. Section 8-218f of the general statutes is repealed and the following is substituted in lieu thereof:

Co-Opportunity, Inc.[,] [and] the Local Initiatives Support Corporation, the Connecticut Housing Investment Fund, Inc., Co-Op Initiatives, Inc., Greater New Haven Community Loan Fund, Inc., and Nutmeg Housing Development Corp. are hereby specially chartered as community housing development corporations pursuant to the provisions of subdivision (3) of section 8-217 and shall have the power (1) to finance, acquire, construct and rehabilitate housing, as defined in said section, and (2) to provide technical assistance and management training in the financing, acquisition, construction and rehabilitation of such housing to families (A) whose incomes do not exceed eighty per cent of the median household income for the area in which the families reside and (B) in the case of families assisted by Co-Opportunity, Inc., who wish to establish limited equity cooperatives, as defined in section 47-242, or housing cooperatives in which persons participate in the construction or rehabilitation of their own dwellings. As community housing development corporations, Co-Opportunity, Inc. and the Local Initiatives Support Corporation may qualify for assistance under sections 8-218 and 8-218e. Notwithstanding the provisions of sections 8-218, 8-218a and 8-218b and any regulations adopted thereunder, the Local Initiatives Support Corporation shall not be required to be organized pursuant to the provisions of chapter 602 or any predecessor statutes thereto to qualify for financial assistance under sections 8-218 and 8-218e.

Sec. 83. The appropriation to the Office of Policy and Management in sections 1 and 11 of house bill 7501 of the current session, for Waste Water Treatment Facility Host Town Grant, shall be used for a grant of $50,000 to each municipality which hosts a waste water treatment plant with a sewage sludge incinerator. The grant shall be paid to each of the following municipalities: Cromwell, Hartford, Naugatuck, New Haven and Waterbury.

Sec. 84. Subsection (a) of section 14-164a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall operate a motor vehicle in any race, contest or demonstration of speed or skill with a motor vehicle as a public exhibition until a permit for such race or exhibition has been obtained from the Commissioner of Motor Vehicles. Any person desiring to manage, operate or conduct such a motor vehicle race or exhibition shall make application in writing to said commissioner at least ten days prior to the race or exhibition and such application shall set forth in detail the time of such proposed race or exhibition, together with a description of the kind and number of motor vehicles to be used and such further information as said commissioner may require. Such application shall be accompanied by a fee of **[**one hundred seventy-seven**]** seventy-five dollars. The Commissioner of Motor Vehicles, upon receipt of such application and fee, shall cause an inquiry to be made concerning the condition of the race track or place of exhibition and all of the appurtenances thereto and, if **[**he**]** the commissioner finds no unusual hazard to participants in such race or exhibition or to persons attending such race or exhibition, **[**he**]** the commissioner may issue a permit naming a definite date for such race or exhibition, which may be conducted at any reasonable hour of any week day or after twelve o'clock noon on any Sunday. The commissioner, with the approval of the legislative body of the city, borough or town in which the race or exhibition will be held, may issue a permit allowing a start time prior to twelve o'clock noon on any Sunday, provided no such race or exhibition shall take place contrary to the provisions of any city, borough or town ordinances. The commissioner may make regulations as to the conditions under which each such race or exhibition may be conducted, including requirements as to types of tires suitable for safe use, the age and physical condition of the participating operators, the number and qualifications of attending personnel, the provision of first-aid and medical supplies and equipment, including ambulances, and the attendance of doctors or other persons qualified to give emergency medical aid, police and fire protection, and such other requirements as will eliminate any unusual hazard to participants in such race or exhibition or to the spectators.

No minor under the age of sixteen years may participate in motor cross racing, except that a minor thirteen years of age or older may participate in such racing with the written permission of **[**his**]** the minor's parents or legal guardian. If weather or track conditions are such as to make such race or exhibition unusually hazardous, the commissioner or other person designated by **[**him**]** the commissioner may cancel or postpone the same or may require the use of tires of a type approved by **[**him**]** the commissioner. No person shall conduct or participate in any motor vehicle race or contest or demonstration of speed or skill in any motor vehicle on the ice of any body of water. The provisions of this section shall not apply to a motor vehicle with a motor of no more than three horsepower or a go-cart type vehicle with a motor of no more than twelve horsepower, when operated on a track of one-eighth of a mile or less in length. Preliminary preparations and practice runs, performed after eleven o'clock in the forenoon, on the date designated in the permit and prior to cancellation or postponement, shall not be construed to constitute a race or exhibition within the meaning of this section. No preliminary preparations or practice runs shall be performed before twelve o'clock noon on Sunday. For the purposes of this subsection, "motor cross racing" means motorcycle racing on a dirt track by participants operating motorcycles designed and manufactured exclusively for off-road use and powered by an engine having a capacity of not more than five hundred cubic centimeters piston displacement.

Sec. 85. The Commissioner of Transportation shall, within available appropriations, conduct a study on the safety hazards relating to the height of structures to be erected proximate to general aviation airports. Not later than January 1, 2002, the commissioner shall submit a report on its findings to the joint standing committee of the General Assembly having cognizance of matters relating to transportation, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 86. (NEW) (a) Any electric generating facility, the construction of which is completed after July 1, 1998, may be treated for purposes of

section 32-71 of the general statutes as if it were located in an enterprise zone and used for commercial or retail purposes. Notwithstanding the provisions of section 32-71 of the general statutes, upon the approval of a municipality's legislative body, either before or after the effective date of this act, the full amount of either assessments or taxes may be fixed for the real and personal property of such electric generating facility both during and after the construction period, provided such assessments or taxes as so fixed represent an approximation of the projected tax liability of such facility based on a reasonable estimation of its fair market value as determined by the municipality upon the exercise of its best efforts.

(b) As used in this section, "electric generating facility" means a facility, as defined in subdivision (3) of subsection (a) of section 16-50i of the general statutes.

Sec. 87. Subsection (m) of section 12-575 of the general statutes is repealed and the following is substituted in lieu thereof:

(m) (1) The executive director shall pay each municipality in which a horse race track is located, one-quarter of one per cent of the total money wagered on horse racing events at such race track, except the executive director shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered at such horse racing events in such municipality. The executive director shall pay each municipality in which a jai alai fronton or dog race track is located one-half of one per cent of the total money wagered on jai alai games or dog racing events at such fronton or dog race track, except the executive director shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered on jai alai games or dog racing events at such fronton or dog race track located in such municipality. The executive director shall pay each municipality in which an off-track betting facility is located one and three-fifths per cent of the total money wagered in such facility less amounts paid as refunds or for

cancellations. The executive director shall pay to both the city of New Haven and the town of Windsor Locks an additional one-half of one per cent of the total money wagered less any amount paid as a refund or a cancellation in any facility equipped with screens for simulcasting after October 1, 1997, located within a fifteen mile radius of facilities in New Haven and Windsor Locks. Payment shall be made not less than four times a year and not more than twelve times a year as determined by the executive director, and shall be made from the tax imposed pursuant to subsection (d) of this section for horse racing, subsection (e) of this section for dog racing, subsection (f) of this section for jai alai games and subsection (g) of this section for off-track betting. (2) If, for any calendar year after the surrender of a license to conduct jai alai events by any person or business organization pursuant to subsection (c) of section 12-574c and prior to the opening of any dog race track by such person or business organization, any other person or business organization licensed to conduct jai alai events is authorized to conduct a number of performances greater than the number authorized for such licensee in the previous calendar year, the executive director shall pay the municipality in which the jai alai fronton for which such license was surrendered was located, rather than the municipality in which the jai alai fronton conducting the increased performances is located, one-half of one per cent of the total money wagered on jai alai games for such increased performances at the fronton which conducted the additional performances, except the executive director shall pay each such municipality having a population in excess of fifty thousand one per cent of the total money wagered on jai alai games for such increased performances at such fronton. (3) During any state fiscal year ending on or after June 30, 1993, the executive director shall pay each municipality in which a dog race track was operating prior to July 5, 1991, one per cent of the total money wagered on dog racing events at such dog race track. (4) During the state fiscal year ending June 30, 2001, each municipality in which a dog race track was operating prior to July 5, 1991, shall pay the Northeast Connecticut Economic Alliance, Inc. two-tenths of one

per cent of the total money wagered on dog racing events at any dog race track operating prior to July 5, 1991. (5) In the event a licensee incurs a loss from the operation of a pari-mutuel facility, as determined by the executive director, the legislative body of the city or town in which such facility is located may direct the executive director to credit or rebate all or a part of the revenue otherwise due to th municipality back to the facility. In no case shall such credit and such reimbursement exceed the amount of the licensee's loss, and in no fiscal year shall these provisions affect the total fees paid to the state by the authorized operator of the off-track betting system on its off-track betting activities.

Sec. 88. Not later than February 1, 2002, the Commissioner of Public Health shall report to the joint standing committees of the General Assembly having cognizance of matters relating to public health and appropriations and the budgets of state agencies concerning the feasibility and cost of, and the time frame for, establishing a program of testing for L-chad deficiency and similar protein deficiencies. Such report shall include the operating costs associated with such program and the feasibility of including the cost of any equipment required for such testing within existing budgetary resources. Such report shall be submitted in accordance with the provisions of section 11-4a of the general statutes.

Sec. 89. Subsection (d) of section 1 of special act 99-8 is amended to read as follows:

(d) The pilot program established under this section shall terminate September 30, **[**2001**]** 2003.

Sec. 90. Section 2 of number 29 of the special acts of 1874 is amended to read as follows:

The object of the society being the improvement of agriculture, horticulture, floriculture, and the household arts, it shall be and is hereby for those purposes made capable in law to hold, purchase,

receive, and possess to itself and its successors, lands, tenements, goods, chattels, and effects of every kind whatsoever necessary and proper to give effect to the purposes of this society, and the same to sell and dispose of at pleasure. **[**: provided, however, that the whole amount of real and personal property held by this society, at any one time, shall not exceed in value the sum of ten thousand dollars.**]** The said society may have and use a common seal, and alter the same at pleasure; it may sue and be sued, plead and be impleaded, defend and be defended by its corporate name in all the courts of this state and elsewhere.

Sec. 91. Section 49 of house bill 7502 of the current session is amended to read as follows:

The sum of two hundred thousand dollars appropriated to the Department of Higher Education in subsection (a) of section 1 of house bill 7501 of the current session, for Education and Health Initiatives, shall be used as a grant for expansion of the **[**summer**]** alternative route for certification for teacher program.

Sec. 92. Section 73 of house bill 7501 of the current session, as amended by subsection (a) of section 47 of house bill 7502 of the current session, is amended to read as follows:

(a) Notwithstanding the provisions of sections 10-263c and **[**10-264d**]** 10-263d of the general statutes, for the fiscal years ending June 30, 2002, and June 30, 2003, the appropriation in sections 1 and 11 of house bill 7501 of the current session, for Transitional School Districts, shall be divided equally among the transitional school district towns under said section 10-263c and the former transitional school district towns that are eligible to receive transitional school district phase-out grants under said section **[**10-264d**]** 10-263d, which towns receive less than $250,000 in additional funding in the educational cost sharing grant due to the phase-out of the cap.

Sec. 93. Subsection (b) of section 17a-4a of the general statutes is

repealed and the following is substituted in lieu thereof:

(b) The Children's Behavioral Health Advisory Committee shall be composed of the following members: (1) The Commissioner of Children and Families or the commissioner's designee; (2) the Commissioner of Social Services or the commissioner's designee; (3) the Executive Director of the Children's Health Council or said director's designee; (4) the Chief Court Administrator or said administrator's designee; (5) the Commissioner of Education or the commissioner's designee; (6) the Commissioner of Mental Health and Addiction Services or the commissioner's designee; (7) the Commissioner of Mental Retardation or the commissioner's designee; (8) the executive director of the Office of Protection and Advocacy for Persons with Disabilities or the director's designee; (9) two members appointed by the Governor, one member who shall be a parent of a child who receives behavioral health services and the other a provider of behavioral health services; **[**(9)**]** (10) one member each shall be appointed by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives, all of whom shall be knowledgeable on issues relative to children in need of behavioral health services and family supports; and **[**(10)**]** (11) sixteen members appointed by the chairperson of the State Advisory Council on Children and Families. The membership of the advisory committee shall fairly and adequately represent parents of children who have a serious emotional disturbance. At least fifty per cent of the members of the advisory committee shall be persons who are parents or relatives of a child who has or had a serious emotional disturbance or persons who had a serious emotional disturbance as a child.

Sec. 94. Section 22-26hh of the general statutes, as amended by section 5 of senate bill 2002 of the current session, is repealed and the following is substituted in lieu thereof:

The State Bond Commission shall have power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate eighty-seven million seven hundred fifty thousand dollars, the proceeds of which shall be used for the purposes of section **[**22-26dd**]** 22-26cc, provided not more than two million dollars of said authorization shall be effective July 1, 2002, and further provided not more than two million dollars shall be used for the purposes of section 22-26jj. All provisions of section 3-20, or the exercise of any right or power granted thereby which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization, which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the Treasurer shall pay such principal and interest as the same become due.

Sec. 95. Subdivision (4) of subsection (f) of section 17b-340 of the general statutes, as amended by section 52 of house bill 7503 of the current session, is repealed and the following is substituted in lieu

thereof:

(4) For the fiscal year ending June 30, 1992, (A) no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1991; (B) no facility whose rate, if determined pursuant to this subsection, would exceed one hundred twenty per cent of the state-wide median rate, as determined pursuant to this subsection, shall receive a rate which is five and one-half per cent more than the rate it received for the rate year ending June 30, 1991; and (C) no facility whose rate, if determined pursuant to this subsection, would be less than one hundred twenty per cent of the state-wide median rate, as determined pursuant to this subsection, shall receive a rate which is six and one-half per cent more than the rate it received for the rate year ending June 30, 1991. For the fiscal year ending June 30, 1993, no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1992, or six per cent more than the rate it received for the rate year ending June 30, 1992. For the fiscal year ending June 30, 1994, no facility shall receive a rate that is less than the rate it received for the rate year ending June 30, 1993, or six per cent more than the rate it received for the rate year ending June 30, 1993. For the fiscal year ending June 30, 1995, no facility shall receive a rate that is more than five per cent less than the rate it received for the rate year ending June 30, 1994, or six per cent more than the rate it received for the rate year ending June 30, 1994. For the fiscal years ending June 30, 1996, and June 30, 1997, no facility shall receive a rate that is more than three per cent more than the rate it received for the prior rate year. For the fiscal year ending June 30, 1998, a facility shall receive a rate increase that is not more than two per cent more than the rate that the facility received in the prior year. For the fiscal year ending June 30, 1999, a facility shall receive a rate increase that is not more than three per cent more than the rate that the facility received in the prior year and that is not less than one per cent more than the rate that the facility received in the prior year, exclusive of rate increases associated with a wage, benefit and staffing enhancement rate adjustment added for the period from April 1, 1999, to June 30, 1999, inclusive. For the

fiscal year ending June 30, 2000, each facility, except a facility with an interim rate or replaced interim rate for the fiscal year ending June 30, 1999, and a facility having a certificate of need or other agreement specifying rate adjustments for the fiscal year ending June 30, 2000, shall receive a rate increase equal to one per cent applied to the rate the facility received for the fiscal year ending June 30, 1999, exclusive of the facility's wage, benefit and staffing enhancement rate adjustment. For the fiscal year ending June 30, 2000, no facility with an interim rate, replaced interim rate or scheduled rate adjustment specified in a certificate of need or other agreement for the fiscal year ending June 30, 2000, shall receive a rate increase that is more than one per cent more than the rate the facility received in the fiscal year ending June 30, 1999. For the fiscal year ending June 30, 2001, each facility, except a facility with an interim rate or replaced interim rate for the fiscal year ending June 30, 2000, and a facility having a certificate of need or other agreement specifying rate adjustments for the fiscal year ending June 30, 2001, shall receive a rate increase equal to two per cent applied to the rate the facility received for the fiscal year ending June 30, 2000, subject to verification of wage enhancement adjustments pursuant to subdivision (15) of this subsection. For the fiscal year ending June 30, 2001, no facility with an interim rate, replaced interim rate or scheduled rate adjustment specified in a certificate of need or other agreement for the fiscal year ending June 30, 2001, shall receive a rate increase that is more than two per cent more than the rate the facility received for the fiscal year ending June 30, 2000. For the fiscal year ending June 30, 2002, each facility shall receive a rate **[**increase**]** that is two and **[**on-half**]** one-half per cent more than the rate the facility received in the prior fiscal year. For the fiscal year ending June 30, 2003, each facility shall receive a rate **[**increase**]** that is two per cent more than the rate the facility received in the prior fiscal year. The Commissioner of Social Services shall add fair rent increases to any other rate increases established pursuant to this subdivision for a facility which has undergone a material change in circumstances related to fair rent.

Sec. 96. Section 2 of special act 97-4, as amended by section 2 of special act 01-7, is amended to read as follows:

(a) The State Board of Trustees for the Hartford Public Schools, established pursuant to section 3 of special act 97-4, shall be solely responsible for the management of the Hartford school district, as provided in special act 97-4, as amended by this act, during the period from June 1, 1997, through June 30, 2000, except that the State Board of Trustees for the Hartford Public Schools, on or before January 1, 2000, may request the State Board of Education to extend the period in accordance with subsection (b) of this section. Such request shall be based on such factors as the need for additional time to improve student achievement and sufficiently address the Hartford Improvement Plan described in subdivision (3) of subsection (a) of section 4 of special act 97-4, as amended by this act, and the findings and recommendations of the fiscal and operations audit conducted pursuant to subsection (b) of section 6 of special act 97-4, as amended by this act. The State Board of Education shall act on such a request by February 1, 2000. If the State Board of Education grants such an extension, the State Board of Trustees for the Hartford Public Schools shall continue to manage the Hartford school district in accordance with subsection (b) of this section.

(b) The Board of Trustees for the Hartford Public Schools shall continue to manage the Hartford school district through December 2, 2002. From December 3, 2002, to December 5, 2005, the Hartford school district shall be managed by a board of education consisting of four elected members, and three members who are electors of the city of Hartford and are appointed by the mayor of Hartford, **[**with the approval of**]** in consultation with the Governor, president pro tempore of the Senate, the majority leader and minority leader of the Senate and the speaker of the House of Representatives and the majority leader and minority leader of the House of Representatives. Such appointments shall be approved by the Hartford City Council. The elected members shall be elected at the election held in November,

2002, and they shall take office on December 3, 2002. Except as provided in this subsection, on and after December 6, 2005, the Hartford school district shall be managed by a board of education that is determined in accordance with the charter of the city of Hartford. The number of members of the board of education shall be in accordance with the charter and the length of the terms of individual members elected in 2005, may be different in order to meet any provision of the charter requiring staggered terms. Notwithstanding the provisions of the charter of the city of Hartford concerning the election of members of the board of education, commencing with the election held in November, 2002, and for all subsequent elections, candidates for the board of education shall be elected with party designation.

(c) The state monitors appointed pursuant to section 8 of special act 97-4, as amended by **[**this act**]** special act 01-7, shall continue their duties until December 5, 2005. Notwithstanding any provision of the general statutes, during the time that the State Board of Education monitors the Hartford school district, the State Board of Education may reject, for good cause, the appointment of any Hartford superintendent of schools within thirty days of such appointment.

Sec. 97. Subsection (d) of section 46 of senate bill 2001 of the current session is repealed and the following is substituted in lieu thereof:

(d) (1) If the secretary modifies the amount of financial assistance approved by an assessor or municipal official under a program, or **[**determines**]** makes a preliminary determination that the claimant who filed written application for such financial assistance is ineligible therefor, the secretary shall send a written notice of preliminary modification or denial to said claimant and shall concurrently forward a copy to the office of the assessor or municipal official who approved said financial assistance. The notice shall include plain language setting forth the reason for the preliminary modification or denial, the name and telephone number of a member of the secretary's staff to

whom questions regarding the notice may be addressed, a request for any additional information or documentation that the secretary believes is needed in order to justify the approval of such financial assistance, the manner by which the claimant may request reconsideration of the secretary's preliminary determination and the timeframe for doing so. Not later than ninety days after the date an assessor receives a copy of such preliminary notice, the assessor shall determine whether an increase to the taxable grand list of the town is required to be made as a result of such modification or denial, unless, in the interim, the assessor has received written notification from the secretary that a request for a hearing with respect to such financial assistance has been approved pursuant to subparagraph (B) of subdivision (2) of this subsection. If an assessment increase is warranted, the assessor shall promptly issue a certificate of correction adding the value of such property to the taxable grand list for the appropriate assessment year and shall forward a copy thereof to the tax collector, who shall, not later than thirty days following, issue a bill for the amount of the additional tax due as a result of such increase. Such additional tax shall become due and payable not later than thirty days from the date such bill is sent and shall be subject to interest for delinquent taxes as provided in section 12-146 of the general statutes. With respect to the **[**denial or modification**]** preliminary modification or denial of financial assistance for which a hearing is held, the assessor shall not issue a certificate of correction until the assessor receives written notice of the secretary's final determination following such hearing.

(2) (A) Any claimant aggrieved by the secretary's notice of preliminary modification or denial of financial assistance under a program may, not later than thirty business days after receiving said notice, request a reconsideration of the secretary's decision for any factual reason, provided the claimant states the reason for the reconsideration request in writing and concurrently provides any additional information or documentation that the secretary may have requested in the preliminary notice of modification or denial. The

secretary may grant an extension of the date by which a claimant's additional information or documentation must be submitted, upon receipt of proof that the claimant has requested such data from another governmental agency or if the secretary determines there is good cause for doing so.

(B) Not later than thirty business days after receiving a claimant's request for reconsideration and any additional information or documentation the claimant has provided, the secretary shall reconsider the preliminary decision to modify or deny said financial assistance and shall send the claimant a written notice of the secretary's determination regarding such reconsideration. If aggrieved by the secretary's notice of determination with respect to the reconsideration of said financial assistance, the claimant may, not later than thirty business days after receiving said notice, make application for a hearing before said secretary, or the secretary's designee. Such application shall be in writing and shall set forth the reason why the financial assistance in question should not be modified or denied. Not later than thirty business days after receiving an application for a hearing, the secretary shall grant or deny such hearing request by written notice to the claimant. If the secretary denies the claimant's request for a hearing, such notice shall state the reason for said denial. If the secretary grants the claimant's request for a hearing, the secretary shall send written notice of the date, time and place of the hearing, which shall be held not later than thirty business days after the date of the secretary's notice granting the claimant a hearing. Such hearing may, at the secretary's discretion, be held in the judicial district in which the claimant or the claimant's property is located. Not later than thirty business days after the date on which a hearing is held, a written notice of the secretary's **[**final**]** determination with respect to such hearing shall be sent to the claimant and a copy thereof shall be concurrently sent to the assessor or municipal official who approved the financial assistance in question.

(3) If any claimant is aggrieved by the secretary's **[**final**]**

determination concerning the hearing regarding the claimant's financial assistance or the secretary's decision not to hold a hearing, such claimant may, not later than thirty business days after receiving the secretary's notice related thereto, appeal to the superior court of the judicial district in which the claimant resides or in which the claimant's property that is the subject of the appeal is located. Such appeal shall be accompanied by a citation to the secretary to appear before said court, and shall be served and returned in the same manner as is required in the case of a summons in a civil action. The pendency of such appeal shall not suspend any action by a municipality to collect property taxes from the applicant on the property that is the subject of the appeal. The authority issuing the citation shall take from the applicant a bond or recognizance to the state of Connecticut, with surety, to prosecute the application in effect and to comply with the orders and decrees of the court in the premises. Such applications shall be preferred cases, to be heard, unless cause appears to the contrary, at the first session, by the court or by a committee appointed by the court. Said court may grant such relief as may be equitable and, if the application is without probable cause, may tax double or triple costs, as the case demands; and, upon all applications which are denied, costs may be taxed against the applicant at the discretion of the court, but no costs shall be taxed against the state.

(4) Not later than the date by which the secretary is required to certify to the Comptroller the amount of payment with respect to any such program, the secretary shall notify each claimant of the final modification or denial of financial assistance as claimed, in accordance with the procedure set forth in this subsection. **[**(d) of this section.**]** A copy of the notice of final modification or denial shall be sent concurrently to the assessor or municipal official who approved such financial assistance.

Sec. 98. Subsection (b) of section 12-129c of the general statutes, as amended by section 50 of senate bill 2001 of the current session, is repealed and the following is substituted in lieu thereof:

(b) Any person knowingly making a false affidavit for the purpose of claiming property tax relief under section 12-129b and this section shall be fined not more than five hundred dollars. Any person who fails to disclose all matters relating thereto or with intent to defraud makes a false statement shall refund to the state or to the municipality, as the case may be, all tax relief improperly taken.

Sec. 99. Subsection (b) of section 12-170f of the general statutes, as amended by section 52 of senate bill 2001 of the current session, is repealed and the following is substituted in lieu thereof:

(b) Any municipality may provide, upon approval by its legislative body, that the duties and responsibilities of the assessor, as required under this section and section 12-170g, as amended by this act, shall be transferred to (1) the officer in such municipality having responsibility for the administration of social services, or (2) the coordinator or agent for the elderly in such municipality.

Sec. 100. Subsection (b) of section 12-170d of the general statutes, as amended by section 56 of senate bill 2001 of the current session, is repealed and the following is substituted in lieu thereof:

(b) For purposes of determining qualifying income under subsection (a) of this section with respect to a married renter who submits an application for a grant in accordance with sections 12-170d to **[**12-170f**]** 12-170g, inclusive, as amended by this act, the Social Security income of the spouse of such renter shall not be included in the qualifying income of such renter, for purposes of determining eligibility for benefits under said sections, if such spouse is a resident of a health care or nursing home facility in this state receiving payment related to such spouse under the Title XIX Medicaid program. An applicant who is legally separated pursuant to the provisions of section 46b-40, as of the thirty-first day of December preceding the date on which such person files an application for a grant in accordance with sections 12-170d to **[**12-170f**]** 12-170g, inclusive, as amended by this act, may apply as an unmarried person and shall be regarded as such for purposes of

determining qualifying income under subsection (a) of this section.

Sec. 101. Section 12-170g of the general statutes is repealed and the following is substituted in lieu thereof:

[If, in the process of verification, the Secretary of the Office of Policy and Management finds a certificate of grant under section 12-170f to be mathematically incorrect, not supported by the application or not in conformance with law or that additional information is needed to justify approving the claim for the grant, he shall notify the assessor or assessors who issued such certificate and the applicant within sixty days of receipt of such certificate by him and advise them of the deficiencies therein or he may correct and fix the amount of the grant and notify them thereof within such time.**]** Any person aggrieved by the action of **[**the secretary or**]** the assessor or **[**assessors**]** agent in fixing the amount of the grant under section 12-170f, as amended by this act, or in disapproving the claim therefor may apply to the **[**secretary**]** Secretary of the Office of Policy and Management in writing, within thirty business days from the date of notice given to **[**him**]** such person by the **[**secretary**]** assessor or agent, giving notice of such grievance. The secretary shall promptly consider such notice and may grant or deny the relief requested, provided such decision shall be made not later than **[**sixty**]** thirty business days after the receipt of such notice. If the relief is denied, the applicant shall be notified forthwith, and the applicant may **[**within thirty days after receipt of such notification, request a hearing before the secretary. The secretary shall fix a time and place for such hearing within the judicial district in which the applicant resides and shall notify the applicant of such time and place not later than fifteen days prior to the date of such hearing. At such hearing he may subpoena witnesses and may administer oaths and make such inquiries as may be necessary to determine the amount of the grant to conform to the provisions of this chapter and sections 12-129b to 12-129d, inclusive. If the applicant is aggrieved with respect to any action of the secretary under this section, he may within thirty days, appeal to the superior court for the judicial district in which he

resides. Any applicant who, for the purpose of obtaining a grant under this section, wilfully fails to disclose all matters related thereto or with intent to defraud makes false statement shall be fined not more than five hundred dollars or imprisoned not more than one year or both**]** appeal the decision of the secretary in accordance with the provisions of section 46 of senate bill 2001 of the current session, as amended by this act.

Sec. 102. Section 12-170cc of the general statutes is repealed and the following is substituted in lieu thereof:

[If, in the process of verification, the Secretary of the Office of Policy and Management finds a certificate of credit under subsection (f) of section 12-170aa to be mathematically incorrect, not supported by the application or not in conformance with law or that additional information is needed to justify approving any claim for tax credit, he shall notify the assessor or assessors who issued such certificate and the applicant within one year of receipt of such certificate by him and advise them of the deficiencies therein, or he may correct and fix the amount of the credit and notify them thereof.**]** Any person aggrieved by the action of **[**the secretary or**]** the assessor or assessors in fixing the amount of **[**such**]** a credit under subsection (f) of section 12-170aa or in disapproving the claim therefor **[**under subsection (f) of section 12-170aa**]** may appeal to the **[**secretary**]** Secretary of the Office of Policy and Management, in writing, within thirty business days from the date of notice given to **[**him**]** such person by the **[**secretary**]** assessor or assessors, giving notice of such grievance. The secretary shall promptly consider such notice and may grant or deny the relief requested, provided such decision shall be made not later than **[**sixty**]** thirty business days after the receipt of such notice. If the relief is denied, the applicant shall be notified forthwith and may **[**, within thirty days after receipt of such notification, request a hearing before the secretary. The secretary shall fix a time and place for such hearing within the judicial district in which the applicant resides and shall notify the applicant of such time and place not later than fifteen days prior to the date of such

hearing. At such hearing he may subpoena witnesses and may administer oaths and make such inquiries as may be necessary to determine the amount of the credit to conform to the provisions of this chapter. If the applicant is aggrieved in respect to any action of the Secretary of the Office of Policy and Management under this section, he may, within thirty days, appeal to the superior court for the judicial district in which he resides. Any applicant who, for the purpose of obtaining a credit under section 12-170aa wilfully fails to disclose all matters related thereto or with intent to defraud makes false statement shall refund all credits improperly taken and shall be fined not more than five hundred dollars or imprisoned not more than one year or both**]** appeal the decision of the secretary in accordance with the provisions of section 46 of senate bill 2001 of the current session, as amended by this act.

Sec. 103. Section 36a-44 of the general statutes, as amended by section 3 of public act 01-72, is repealed and the following is substituted in lieu thereof:

No provision of sections 36a-41 to 36a-45, inclusive, shall be construed to prohibit: (1) The preparation, examination, handling or maintenance of any financial records by any officer, employee or agent of a financial institution having custody of such records or the examination of such records by a certified public accountant engaged by the financial institution to perform an independent audit; (2) the examination of any financial records by, or the furnishing of financial records by a financial institution to any official, employee or agent of a supervisory agency solely for use in the exercise of the duties of such official, employee or agent; (3) the publication of data furnished from financial records relating to customers where such data does not contain information identifying any particular customer or account; (4) the making of reports or returns required under the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended; **[**, or under section 12-382;**]** (5) disclosure of information permitted under the Uniform

Commercial Code concerning the dishonor of any negotiable instrument; (6) the exchange, in the regular course of business, of credit information between a financial institution and other financial institutions or commercial enterprises, directly or through a consumer reporting agency; (7) disclosures to appropriate officials of federal, state or local governments upon suspected violations of the criminal law; (8) disclosures pursuant to a search warrant issued by a judge of the Superior Court or a judge trial referee under the provisions of section 54-33a; (9) disclosures concerning lawyers' clients' funds accounts made to the state-wide grievance committee pursuant to any rule adopted by the judges of the Superior Court; (10) disclosures to the purported payee or to any purported holder of a check, draft, money order or other item, whether or not such check, draft, money order or other item has been accepted by such payee or holder as payment, or to any financial institution purportedly involved in the collection process of a check, draft, money order or other item whether such check, draft, money order or other item would be paid if presented at the time of such disclosure; (11) any disclosure made in connection with a financial institution's attempts to preserve its rights or determine its liabilities with regard to any funds transfer or any check, draft, money order or other item drawn by or upon it or handled by it for collection or otherwise; (12) the transfer of information from a Connecticut credit union to a shared service center and the personnel of such shared service center which takes place when a member of such Connecticut credit union uses a shared service center to effect a transaction with such Connecticut credit union; (13) any other disclosure required under applicable state or federal law or authorized to be made to any regulatory or law enforcement agency under applicable state or federal law.

Sec. 104. (NEW) The Commissioner of Social Services shall, within available appropriations, make information available to senior citizens and disabled persons concerning any pharmaceutical company's drug program for indigent persons by utilizing the ConnPACE program, the CHOICES health insurance counseling and assistance program, as

defined in section 17b-427a of the general statutes, and Infoline of Connecticut to deliver such information.

Sec. 105. Subsection (a) of section 10-206 of the general statutes, as amended by section 41 of house bill 7505 of the current session, is repealed and the following is substituted in lieu thereof:

(a) Each local or regional board of education shall require each pupil enrolled in the public schools to have health assessments pursuant to the provisions of this section. Such assessments shall be conducted by a legally qualified practitioner of medicine, **[**a licensed natureopath, a person licensed to practice chiropractic,**]** an advanced practice registered nurse or registered nurse, licensed pursuant to chapter 378, a physician assistant, licensed pursuant to chapter 370, or by the school medical advisor to ascertain whether such pupil is suffering from any physical disability tending to prevent such pupil from receiving the full benefit of school work and to ascertain whether such school work should be modified in order to prevent injury to the pupil or to secure for the pupil a suitable program of education. No health assessment shall be made of any child enrolled in the public schools unless such examination is made in the presence of the parent or guardian or in the presence of another school employee. The parent or guardian of such child shall receive prior written notice and shall have a reasonable opportunity to be present at such assessment or to provide for such assessment himself or herself. A local or regional board of education may deny continued attendance in public school to any child who fails to obtain the health assessments required under this section.

Sec. 106. Section 9 of house bill 7503 of the current session is repealed and the following is substituted in lieu thereof:

For the fiscal year ending June 30, 2002, the Department of Social Services shall pay **[**the Medicare Part B premiums**]** <u>any applicable Medicare buy-in cost</u> for eligible Medicaid recipients, from expenditures deposited in a nonlapsing account from revenue received from the United States Department of Health and Human Services for

the portion designated for [such Medicare Part B premiums] any applicable buy-in cost. The department shall continue such payments until such time the department contracts with the federal government to administer the Medicare Part B Buy-in Program.

Sec. 107. Subsection (b) of section 17b-259 of the general statutes, as amended by section 60 of house bill 7503 of the current session is repealed and the following is substituted in lieu thereof:

(b) The medical services for which a town shall be liable under this section and for which a town shall be reimbursed by the state shall be limited to the following medically necessary services provided such services are covered under the Medicaid program: (1) Physician services, (2) hospital services, on an inpatient basis subject to the provisions of section 17b-220 and outpatient care, (3) community clinic services, (4) prescription drugs, excluding over-the-counter drugs, (5) hearing aids, (6) laboratory and x-ray services, (7) emergency dental services, (8) [emergency medical transportation] glasses, and (9) examinations (A) needed to determine unemployability, or (B) requested by an attorney to establish the eligibility of a person receiving general assistance benefits for federal supplementary security income benefits pursuant to section 17b-119. Services not covered under this program include, but are not limited to, nonemergency medical transportation. In lieu of providing medical services, in accordance with this section, a town or group of towns may submit a plan to the Department of Social Services for approval to provide medical services in some other manner. The department shall approve the plan only if the persons served under it receive at least the services listed in this subsection and the plan offers the possibility of improved medical care or cost savings. The department shall encourage a town or group of towns to contract for the management of such medically necessary services.

Sec. 108. Subsection (e) of section 17b-116 of the general statutes is repealed and the following is substituted in lieu thereof:

(e) Persons domiciled and residing in Connecticut or who have no other residence, and who are United States citizens or who have been admitted as qualified aliens, as defined in Section 431 of Public Law 104-193, into the United States prior to August 22, 1996, or other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law shall be eligible for support under the general assistance program. A qualified alien admitted into the United States on or after August 22, 1996, or other lawfully residing immigrant alien determined eligible for general assistance prior to July 1, 1997, shall remain eligible for such assistance until July 1, 2001. Qualified aliens or other lawfully residing immigrant aliens admitted into the United States on or after August 22, 1996, and not determined eligible for assistance prior to July 1, 1997, shall be eligible for such assistance subsequent to six months from establishing residency in this state until July 1, 2001. Qualified aliens must pursue citizenship to the maximum extent allowed by law as a condition of eligibility for the general assistance program unless incapable of doing so due to a medical problem, language barrier or other reason as determined by the Commissioner of Social Services. Notwithstanding the provisions of this subsection, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for general assistance. No town shall accept applications for assistance under this section from qualified aliens, as defined in Section 431 of Public Law 104-193, or other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law on or after June 30, 2002.

Sec. 109. Section 17b-257b of the general statutes is repealed and the following is substituted in lieu thereof:

Qualified aliens, as defined in Section 431 of Public Law 104-193, admitted into the United States on or after August 22, 1996, other lawfully residing immigrant aliens or aliens who formerly held the

status of permanently residing under color of law who have been determined eligible for Medicaid or for state-administered general assistance medical aid prior to July 1, 1997, may be eligible until July 1, 2001, for state-funded medical assistance which shall provide coverage to the same extent as the Medicaid program, state-administered general assistance medical aid or the HUSKY Plan, Part B provided other conditions of eligibility are met. Such qualified aliens or lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law who have not been determined eligible for Medicaid or for state-administered general assistance medical aid prior to July 1, 1997, shall be eligible for state-funded assistance or the HUSKY Plan, Part B subsequent to six months from establishing residency in this state. until July 1, 2001.**]** The Commissioner of Social Services shall not accept applications for assistance pursuant to this section on or after June 30, 2002. Notwithstanding the provisions of this section, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for state-funded assistance or the HUSKY Plan, Part B pursuant to this section. Only individuals who are not eligible for Medicaid shall be eligible for state-funded assistance pursuant to this section.

Sec. 110. Subsection (a) of section 17b-342 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Social Services shall administer the Connecticut home-care program for the elderly state-wide in order to prevent the institutionalization of elderly persons (1) who are recipients of medical assistance, (2) who are eligible for such assistance, (3) who would be eligible for medical assistance if residing in a nursing facility, or (4) who meet the criteria for the state-funded portion of the program under subsection (i) of this section. For purposes of this section, a long-term care facility is a facility which has been federally certified as a skilled nursing facility or intermediate care

facility. The commissioner shall make any revisions in the state Medicaid plan required by Title XIX of the Social Security Act prior to implementing the program. The annualized cost of the community-based services provided to such persons under the program shall not exceed sixty per cent of the weighted average cost of care in skilled nursing facilities and intermediate care facilities. The program shall be structured so that the net cost to the state for long-term facility care in combination with the community-based services under the program shall not exceed the net cost the state would have incurred without the program. The commissioner shall investigate the possibility of receiving federal funds for the program and shall apply for any necessary federal waivers. A recipient of services under the program, and the estate and legally liable relatives of the recipient, shall be responsible for reimbursement to the state for such services to the same extent required of a recipient of assistance under the state supplement program, medical assistance program, temporary family assistance program or food stamps program. Only a United States citizen or a noncitizen who meets the citizenship requirements for eligibility under the Medicaid program shall be eligible for home-care services under this section, except a qualified alien, as defined in Section 431 of Public Law 104-193, admitted into the United States on or after August 22, 1996, or other lawfully residing immigrant alien determined eligible for services under this section prior to July 1, 1997, shall remain eligible for such services. **[**until July 1, 2001.**]** The Commissioner of Social Services shall not accept applications for assistance pursuant to this section from a qualified alien, as defined in Section 431 of Public Law 104-193, or other lawfully residing immigrant alien after June 30, 2002. Qualified aliens or other lawfully residing immigrant aliens not determined eligible prior to July 1, 1997, shall be eligible for services under this section subsequent to six months from establishing residency until July 1, 2001. Notwithstanding the provisions of this subsection, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim

of domestic violence or who has mental retardation shall be eligible for assistance pursuant to this section. Qualified aliens, as defined in Section 431 of Public Law 104-193, or other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law shall be eligible for services under this section provided other conditions of eligibility are met.

Sec. 111. Section 17b-112c of the general statutes is amended by adding subsection (c) as follows:

(NEW) (c) Notwithstanding the provisions of this section, a qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for assistance under this section.

Sec. 112. Section 17b-112c of the general statutes, as amended by section 17 of house bill 7503 of the current session, is amended by adding subsection (c) as follows:

(NEW) (c) Notwithstanding the provisions of this section, a qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for assistance under this section.

Sec. 113. Section 12-20a of the general statutes, of the general statutes, as amended by section 60 of senate bill 2001 of the current session, is repealed and the following is substituted in lieu thereof:

[On or before January first, annually, the**]** (1) The Secretary of the Office of Policy and Management shall determine the amount due to each municipality in the state, in accordance with this section, as a state grant in lieu of taxes with respect to real property **[**exempt from taxation under any of the subdivisions of section 12-81 that is**]** owned by **[**and used as a**]** and private nonprofit institution of higher

education or any nonprofit general hospital facility or free standing chronic disease hospital or an urgent care facility that operates for at least twelve hours a day and that had been the location of a nonprofit general hospital for at least a portion of calendar year 1996 to receive payments in lieu of taxes for such property, exclusive of any such facility operated by the federal government or the state of Connecticut or any subdivision thereof. As used in this section "private nonprofit institution of higher education" means any such institution engaged primarily in education beyond the high school level, the property of which is exempt from property tax under any of the subdivisions of section 12-81; "nonprofit general hospital facility" means any such facility which is used primarily for the purpose of general medical care and treatment, exclusive of any hospital facility used primarily for the care and treatment of special types of disease or physical or mental conditions; and "free standing chronic disease hospital" means a facility which provides for the care and treatment of chronic diseases, excluding any such facility having an ownership affiliation with and operated in the same location as a chronic and convalescent nursing home.

[(2)**]** (b) The grant payable to any municipality under the provisions of this section in the state fiscal year commencing July 1, 1999, and in each fiscal year thereafter, shall be equal to seventy-seven per cent of the property taxes which, except for any exemption applicable to any such institution of higher education or general hospital facility under the provisions of section 12-81, would have been paid with respect to such exempt real property on the assessment list in such municipality for the assessment date two years prior to the commencement of the state fiscal year in which such grant is payable. The amount of the grant payable to each municipality in any year in accordance with this section shall be reduced proportionately in the event that the total of such grants in such year exceeds the amount appropriated for the purposes of this section with respect to such year.

[(3)**]** (c) As used in this section and section 12-20b the word

"municipality" means any town, consolidated town and city, consolidated town and borough, borough, district, as defined in section 7-324, and any city not consolidated with a town. **[**; "institution of higher education" means any such institution, as defined in subsection (a) of section 10a-34 or any independent college or university, as defined in section 10a-37, which offers courses of instruction in education beyond the high school level for which college or university-level credit may be given or may be received by transfer; "general hospital facility" means any such facility which is used primarily for the purpose of general medical care and treatment, exclusive of any hospital facility used primarily for the care and treatment of special types of disease or physical or mental conditions; and "free standing chronic disease hospital" means a facility which provides for the care and treatment of chronic diseases, excluding any such facility having an ownership affiliation with and operated in the same location as a chronic and convalescent nursing home.**]**

Sec. 114. Section 32-70 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any municipality that was a distressed municipality under the provisions of subsection (b) of section 32-9p on February 1, 1986, may, with the approval of the Commissioner of Economic and Community Development, designate an area of such municipality as an enterprise zone. Any such area shall consist of one or two contiguous United States census tracts, contiguous portions of such census tracts or a portion of an individual census tract, as determined in accordance with the most recent United States census and, if such area is covered by zoning, a portion of it shall be zoned to allow commercial or industrial activity. The census tracts within which such designated area is located shall also meet at least one of the following criteria: (1) Twenty-five per cent or more of the persons within the individual census tracts shall have income below the poverty level, as determined by the most recent United States census, as officially updated by the appropriate state agency or institution; (2) twenty-five per cent or more of the families

within the individual census tracts shall receive public assistance or welfare income, as determined by the most recent United States census, as officially updated by the appropriate state agency or institution; or (3) the unemployment rate of the individual census tracts shall be at least two hundred per cent of the state's average, as determined by the most recent United States census, as officially updated by the appropriate state agency or institution. In calculating any such percentage for one or two contiguous census tracts, contiguous portions of census tracts or a portion of an individual census tract, the commissioner shall round up to the nearest whole percentage number. If a census tract qualifies under the eligibility criteria for designation as an enterprise zone and if the commissioner determines that a census tract which is contiguous to such tract has significant job creation potential, the commissioner may include such contiguous census tract, or a portion thereof, in the enterprise zone in lieu of a second qualified census tract if such contiguous census tract meets at least one of the following reduced criteria: (A) Fifteen per cent or more of the persons within the census tract shall have income below the poverty level, as determined by the most recent United States census, as officially updated by the appropriate state agency or institution; (B) fifteen per cent or more of the families within the census tract shall receive public assistance or welfare income, as determined by the most recent United States census, as officially updated by the appropriate state agency or institution; or (C) the unemployment rate of the census tract shall be at least one hundred fifty per cent of the state's average, as determined by the most recent United States census, as officially updated by the appropriate state agency or institution. If a census tract boundary line is the center line of a street, the commissioner may include within the enterprise zone that portion of the property fronting on such street which is outside of but adjacent to the census tract. The depth of such property so included in the enterprise zone shall be determined by the commissioner at the time of the designation of the zone. If a census tract boundary line is located along a railroad right-of-way, railroad property or natural stream of

water, the commissioner may include within the enterprise zone any private properties under common ownership which are traversed by the railroad right-of-way, railroad property or natural stream of water. Any private properties so affected shall be included in the enterprise zone at the time of the designation of the zone except, in the case of an enterprise zone designated prior to October 1, 1983, the commissioner may include within the zone any such property if the municipality in which the zone is located requests the commissioner to include such property not later than sixty days after October 1, 1983. If more than twenty-five per cent of the project area of a development project under chapter 132 is located in an area eligible for designation as an enterprise zone and the project plan for such development project is approved by the Commissioner of Economic and Community Development in accordance with section 8-191, the commissioner may include the entire project area of such development project area in an enterprise zone. If more than twenty-five per cent of the project area of a municipal development project under chapter 588l is located in an area eligible for designation as an enterprise zone and the development plan for such project is approved by the Commissioner of Economic and Community Development in accordance with section 32-224, the commissioner may include the entire project area of such project in an enterprise zone. If more than fifty per cent of an approved redevelopment area under chapter 130 is located in an area eligible for designation as an enterprise zone, the commissioner may include the entire redevelopment area in an enterprise zone. The commissioner may also include in the area designated as an enterprise zone (i) any facility, as defined in section 32-9p, which is located outside of but contiguous to a census tract included in the zone, (ii) any private properties which are (I) under common ownership, (II) located outside of a census tract included in the zone and (III) contiguous to a railroad right-of-way which is the boundary of such a census tract, or (iii) any private properties which are located outside of a census tract included in the zone, but between the zone and a railroad right-of-way, where other segments of such railroad right-of-way serve as boundaries for

the zone. The commissioner may, at any time after the designation of an area as an enterprise zone, include in such zone any area contiguous to such zone which, at the time of the designation of such zone, was eligible to be included in such zone but was not so included. The commissioner may, at any time after the designation of an area as an enterprise zone, include in such zone any property which is located within one hundred fifty feet of a stream, the center line of which is the boundary of a census tract included in such zone, and which property contains an existing building or facility, having an area equal to or greater than one hundred thousand square feet, that is or was formerly used for manufacturing purposes but is underutilized or vacant at the time the property is included in such zone. If the commissioner determines that the necessary data is not available from the most recent United States census, **[**he**]** the commissioner may use such data as **[**he**]** the commissioner deems appropriate. The commissioner shall include in the designation of the enterprise zone in the city of Meriden the entire parcel of land bordered by Cook Avenue, Hanover Street, Perkins Street Square, and South Colony Street.

Sec. 115. Section 53 of house bill 7501 of the current session is amended to read as follows:

(a) Notwithstanding the provisions of section 4-28f of the general statutes, for the fiscal years ending June 30, 2002, and June 30, 2003, the sum of $800,000 shall be transferred from the Tobacco and Health Trust Fund to the Department of Public Health, for the Children's Health Initiatives, to expand the "Easy Breathing" Asthma Initiative.

(b) Notwithstanding the provisions of section 4-28f of the general statutes, for the fiscal years ending June 30, 2002, and June 30, 2003, the sum of $300,000 shall be transferred from the Tobacco and Health Trust Fund to the Department of Public Health, for the implementation of section 42 of house bill 7503 of the current session.

Sec. 116. (a) There is established a commission to study the use of current and alternative voting technologies, including absentee ballot

counting technologies. The commission shall submit a report on its findings and recommendations in accordance with subsection (f) of this section.

(b) The commission shall consist of the following members:

(1) One appointed by the speaker of the House of Representatives;

(2) One appointed by the president pro tempore of the Senate;

(3) One appointed by the majority leader of the House of Representatives;

(4) One appointed by the majority leader of the Senate;

(5) One appointed by the minority leader of the House of Representatives;

(6) One appointed by the minority leader of the Senate;

(7) One appointed by the Secretary of the State;

(8) One appointed by the State Elections Enforcement Commission;

(9) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to government administration and elections, or their designees;

(10) Two appointed by the Registrars of Voters Association of Connecticut, with each member from a different political party; and

(11) Two appointed by the Connecticut Town Clerks Association, with each member from a different political party.

(c) All appointments to the commission shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(d) The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to government administration and elections, or their designees, shall serve as chairpersons of the commission. The chairpersons shall schedule the first meeting of the commission, which shall be held not later than thirty days after the effective date of this section.

(e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to government administration and elections shall, within the limits of available appropriations, serve as administrative staff of the commission.

(f) Not later than January 1, 2002, the commission shall submit a report on its findings and recommendations to the Secretary of the State, and to the joint standing committee of the General Assembly having cognizance of matters relating to elections in accordance with the provisions of section 11-4a of the general statutes. The report shall recommend (1) a type or types of voting technology and absentee ballot counting technology for use in all elections, primaries and referenda held in this state pursuant to title 9 of the general statutes, (2) a plan for installing or maintaining such technology, (3) a plan for providing necessary training and public information concerning such technology, and (4) a plan to provide grants-in-aid to assist municipalities in installing or maintaining such technology. The commission may not recommend the use of any technology that records votes by means of holes punched in designated voting response locations.

(g) Notwithstanding any provision of the general statutes, a municipality may use a new type of voting technology or absentee ballot counting technology on a pilot basis at the general election to be held in November 2001, upon the request of both registrars of voters of the municipality and the approval of the Secretary of the State. The Secretary may, within the limits of available appropriations, provide a

grant-in-aid to any such municipality to defray the costs of such pilot use of such technology.

Sec. 117. Subdivision (8) of section 22a-267 of the general statutes is repealed and the following is substituted in lieu thereof:

(8) Enter into any contractual arrangement with any person to obtain rights from or in an invention or product, or the proceeds therefrom, or rights to any and all forms of equity instruments, including, but not limited to, common and preferred stock, warrants, options, convertible debentures, limited and general partnership interests and similar types of instruments, in connection with the development or operation of any system, facility or technology based on or related to resources recovery, recycling, reuse, treatment, processing or disposal of solid waste or in connection with the remediation or development of property owned by the authority on the effective date of this act, provided any net revenue to the authority from activities, contracts, products or processes undertaken pursuant to this subdivision shall be distributed so as to reduce the costs of other authority services to the users thereof on a pro rata basis proportionate to costs paid by such users. Notwithstanding the provisions of this subdivision, the authority shall not perform residential or commercial waste collection services in the state other than services permitted under the provisions of this chapter rendered at any landfill, waste disposal, waste transfer or waste processing facility provided the authority may otherwise assist in the exercise of the powers conferred by chapter 103b.

Sec. 118. Section 34 of house bill 7502 of the current session is repealed and the following is substituted in lieu thereof:

[Any additional funds received pursuant to the Educational Cost Sharing Grant for the fiscal years ending June 30, 2002, and June 30, 2003, and any**]** Any funds appropriated for Supplemental Education Aid in section 1 of house bill 7501 of the current session shall be used for local education purposes provided that up to one hundred

thousand dollars of any amount received by the city of Hartford shall be used by the city to contract to provide for training in the duties of membership on a board of education. Fifty thousand dollars of such amount shall not lapse on June 30, 2002, but shall be available for expenditure during the fiscal year ending June 30, 2003.

Sec. 119. Subsection (d) of section 17b-239 of the general statutes, as amended by section 1 of house bill 7504 of the current session, is repealed and the following is substituted in lieu thereof:

(d) The state shall also pay to such hospitals for each outpatient clinic and emergency room visit a reasonable rate to be established annually by the commissioner for each hospital, such rate to be determined by the reasonable cost of such services. The emergency room visit rates in effect June 30, 1991, shall remain in effect through June 30, 1993, except those which would have been decreased effective July 1, 1991, or July 1, 1992, shall be decreased. Nothing contained herein shall authorize a payment by the state for such services to any hospital in excess of the charges made by such hospital for comparable services to the general public. For those outpatient hospital services paid on the basis of a ratio of cost to charges, the ratios in effect June 30, 1991, shall be reduced effective July 1, 1991, by the most recent annual increase in the consumer price index for medical care. For those outpatient hospital services paid on the basis of a ratio of cost to charges, the ratios computed to be effective July 1, 1994, shall be reduced by the most recent annual increase in the consumer price index for medical care. The emergency room visit rates in effect June 30, 1994, shall remain in effect through December 31, 1994. The Commissioner of Social Services shall establish a fee schedule for outpatient hospital services to be effective on and after January 1, 1995. Except with respect to the rate periods beginning July 1, 1999, and July 1, 2000, such fee schedule shall be adjusted annually beginning July 1, 1996, to reflect necessary increases in the cost of services. Notwithstanding the provisions of this subsection, the fee schedule for the rate period beginning July 1, **[**2001, the fee schedule**]** 2000, shall be

increased by ten and one-half per cent, effective June 1, 2000.

Sec. 120. Subsection (g) of section 17b-239 of the general statutes, as amended by section 2 of house bill 7504 of the current session, is repealed and the following is substituted in lieu thereof:

(g) Effective **[**July**]** June 1, 2001, the commissioner shall establish inpatient hospital rates in accordance with the method specified in regulations adopted pursuant to this section and applied for the rate period beginning October 1, 2000, except that the commissioner shall update each hospital's target amount per discharge to the actual allowable cost per discharge based upon the 1999 cost report filing multiplied by sixty-two and one-half per cent if such amount is higher than the target amount per discharge for the rate period beginning October 1, 2000, as adjusted for the ten per cent incentive identified in Section 4005 of Public Law 101-508. If a hospital's rate is increased pursuant to this subsection, the hospital shall not receive the ten per cent incentive identified in Section 4005 of Public Law 101-508. For rate periods beginning October 1, 2001, and October 1, 2002, the commissioner shall not apply an annual adjustment factor to the target amount per discharge.

Sec. 121. Subsection (a) of section 17b-239 of the general statutes, as amended by sections 11 and 66 of house bill 7503 of the current session, is repealed and the following is substituted in lieu thereof:

(a) The rate to be paid by the state to hospitals receiving appropriations granted by the General Assembly and to freestanding chronic disease hospitals, providing services to persons aided or cared for by the state for routine services furnished to state patients, shall be based upon reasonable cost to such hospital, or the charge to the general public for ward services or the lowest charge for semiprivate services if the hospital has no ward facilities, imposed by such hospital, whichever is lowest, except to the extent, if any, that the commissioner determines that a greater amount is appropriate in the case of hospitals serving a disproportionate share of indigent patients.

Such rate shall be promulgated annually by the Commissioner of Social Services. Nothing contained herein shall authorize a payment by the state for such services to any such hospital in excess of the charges made by such hospital for comparable services to the general public. Notwithstanding the provisions of this section, for the rate period beginning July 1, 2000, rates paid to freestanding chronic disease hospitals and freestanding psychiatric hospitals shall be increased by three per cent. For the rate period beginning July 1, 2001, a freestanding chronic disease hospital or freestanding psychiatric hospital shall receive a rate that is two and one-half per cent more than the rate it received in the prior fiscal year. For the rate period beginning July 1, 2002, a freestanding chronic disease hospital or freestanding psychiatric hospital shall receive a rate that is two per cent more than the rate it received in the prior fiscal year. Notwithstanding the provisions of this subsection, **[**the commissioner shall use the rate of the highest-paid freestanding chronic disease hospital for any freestanding chronic disease hospital having more than an average of fifteen per cent of its inpatient days utilized as long-term ventilator patient days paid for by the Department of Social Services beginning for the rate period ending in 2001, in lieu of the rate paid for the period when determining the rates to be paid on and after July 1, 2001**]** for the period commencing July 1, 2001, and ending June 30, 2003, the commissioner may pay a total of no more than three hundred thousand dollars annually for services provided to long-term ventilator patients. For purposes of this subsection, "long-term ventilator patient" means any patient at a freestanding chronic disease hospital on a ventilator for a total of sixty days or more in any consecutive twelve-month period.

Sec. 122. Section 32-9t of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section:

(1) "Commissioner" means the Commissioner of Economic and

Community Development.

(2) "Eligible industrial site investment project" means [an investment made in real property, or in improvements to real property,] a project located within this state for the development or redevelopment of real property: (A) (i) That has been subject to a "spill", as defined in section 22a-452c, (ii) is an "establishment", as defined in subdivision (3) of section 22a-134, or (iii) is a "facility", as defined in 42 USC 9601(9); (B) that, if remediated, renovated or demolished in accordance with applicable law and regulations and the standards of remediation of the Department of Environmental Protection and used for business purposes, will add significant new economic activity and employment in the municipality in which the investment is to be made, and will generate additional tax revenues to the state; (C) for which the use of the urban and industrial site reinvestment program will be necessary to attract private investment to the project; (D) the business use of which would be economically viable and would generate direct and indirect economic benefits to the state that exceed the amount of the investment during the period for which the tax credits granted pursuant to public act 00-170* are granted; and (E) that is, in the judgment of the commissioner, consistent with the strategic economic development priorities of the state and the municipality.

(3) "Eligible urban reinvestment project" means [an investment] a project: (A) That would add significant new economic activity [and new jobs in a new facility] in the eligible municipality in which the [investment is to be made] project is located, and will generate significant additional tax revenues to the state or the municipality; (B) for which the use of the urban and industrial site reinvestment program will be necessary to attract private investment to an eligible municipality; (C) that is economically viable; (D) for which the direct and indirect economic benefits to the state outweigh the costs of the [investment] project; and (E) that is, in the judgment of the commissioner, consistent with the strategic economic development priorities of the state and the municipality.

(4) "Related person" means: (A) A corporation, limited liability company, partnership, association or trust controlled by the taxpayer; (B) an individual, corporation, limited liability company, partnership, association or trust that is in control of the taxpayer; (C) a corporation, limited liability company, partnership, association or trust controlled by an individual, corporation, limited liability company, partnership, association or trust that is in control of the taxpayer; or (D) a member of the same controlled group as the taxpayer. For purposes of this section, "control", with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty per cent or more of the total combined voting power of all classes of the stock of such corporation entitled to vote. "Control", with respect to a trust, means ownership, directly or indirectly, of fifty per cent or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, other than paragraph (3) of such section.

(5) "Investment" means all amounts invested in **[**a**]** an eligible project by or on behalf of a taxpayer, whether directly, **[**or**]** through a fund, **[**directly or indirectly, on behalf of a taxpayer,**]** or through a community development entity including, but not limited to, (A) **[**direct**]** equity investments made by the taxpayer, and (B) loans. **[**made to the fund for the benefit of the taxpayer which loans are guaranteed by a taxpayer.**]**

(6) "Income year" means with respect to entities subject to taxation under chapters 207 to 212a, the income year as determined under each of said chapters, as the case may be.

(7) "Taxpayer" means any person, as defined in section 12-1,

whether or not subject to any taxes levied by this state.

(8) "Fund manager" means a fund manager registered in accordance with subsection (d) of this section.

(9) "New job" means a job that did not exist in the business of a subject business in this state prior to the subject business' application to the commissioner for an eligibility certificate under this section for a new facility and that is filled by a new employee, but does not mean a job created when an employee is shifted from an existing location of the subject business in this state to a new facility.

(10) "New employee" means a person hired by a subject business to fill a position for a new job or a person shifted from an existing location of the subject business outside this state to a new facility in this state, provided (A) in no case shall the total number of new employees allowed for purposes of this credit exceed the total increase in the taxpayer's employment in this state, which increase shall be the difference between (i) the number of employees employed by the subject business in this state at the time of application for an eligibility certificate to the commissioner plus the number of new employees who would be eligible for inclusion under the credit allowed under this section without regard to this calculation, and (ii) the highest number of employees employed by the subject business in this state in the year preceding the subject business' application for an eligibility certificate to the commissioner, and (B) a person shall be deemed to be a "new employee" only if such person's duties in connection with the operation of the facility are on a regular, full-time, or equivalent thereof, and permanent basis.

(11) "New facility" means a facility which (A) is acquired by, leased to, or constructed by, a subject business on or after the date of the subject business' application to the commissioner for an eligibility certificate under this section, unless, upon application of the subject business and upon good and sufficient cause shown, the commissioner waives the requirement that such activity take place after the

application, and (B) was not in service or use during the one-year period immediately prior to the date of the subject business' application to the commissioner for an eligibility certificate under this section, unless upon application of the subject business and upon good and sufficient cause shown, the commissioner consents to waiving the one-year period.

(12) "Eligible municipality" means (A) a municipality with an area designated as an enterprise zone pursuant to section 32-70, (B) a distressed municipality, as defined in subsection (b) of section 32-9p, or (C) a municipality that has a population in excess of one hundred thousand.

(13) "Eligible project" means an eligible urban reinvestment project or an eligible industrial site investment project or both.

(14) "Approved investment" means an investment approved by the commissioner under subsection **[**(f)**]** (g) of this section.

(15) "Recapture amount" means the amount by which the **[**approved investment exceeds the amount of state revenue generated by the approved investment**]** total of tax credits claimed with respect to any approved investment as of the date of calculation exceeds the sum of all state revenue actually generated through such date by the eligible project in which such approved investment was made.

(16) "Pro rata share" means the percentage the amount **[**invested**]** of the approved investment by an individual investor in an **[**approved investment**]** eligible project bears to the total amount of the approved investment **[**actually invested in the**]** in such project, or in the case of a taxpayer to whom credits are transferred under this section, the percentage **[**of**]** the amount of credits with respect to an approved investment transferred bears to the total **[**amount of the**]** credits with respect to such approved investment. **[**actually invested in the project.**]**

(17) "Community development entity" means any corporation,

limited partnership or limited liability company qualified to do business in this state and which (A) is organized for the purpose of providing investment capital or financing for eligible projects under this section, (B) maintains accountability to residents of more than one eligible municipality through representation on the governing board of the entity, (C) is organized for the purpose of seeking certification and an allocation of new markets tax credits as provided in Section 45D of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, and (D) is registered in accordance with subsection (d) of this section. No community development entity shall be eligible for any tax credits under this section unless it is certified under said Section 45D on the date any approved investment is made. A community development entity shall not be deemed a "fund" for purposes of this section.

(18) "Project" means the acquisition, leasing, demolition, remediation, construction, renovation, expansion or other development or redevelopment of real property and improvements within this state, including furniture, fixtures, equipment and other personal property which is reasonably necessary in connection therewith, and associated interest and other financing costs and charges, relocation and start-up costs, and architectural, engineering, legal and other professional services, plans, specifications, surveys, permits, studies and evaluations necessary or incident to the development, financing, completion and placing in operation of such a project.

(b) There is established an urban and industrial site reinvestment program under which taxpayers who **[**invest**]** make investments in eligible urban reinvestment projects or eligible industrial site investment projects may be allowed a credit against the tax imposed under chapter 207 to 212a, inclusive, or section 38a-743, or a combination of said taxes, in an amount equal to the percentage of their approved investment determined in accordance with subsection

(i) of this section.

(c) No project shall be deemed an eligible project unless such project shall, in the judgment of the commissioner, be of sufficient size, by itself or in conjunction with related new investments, to generate a substantial return to the state economy.

(d) (1) The commissioner may register managers of funds and community development entities created for the purpose of investing in eligible urban reinvestment projects and eligible industrial site investment projects. Any manager or community development entity registered under this subsection shall have its primary place of business in this state. Each applicant shall submit an application under oath to the commissioner to be registered and shall furnish evidence satisfactory to the commissioner of its financial responsibility, integrity, professional competence and experience in managing investment funds. Failure to maintain adequate fiduciary standards with respect to investments made under this section shall constitute cause for the commissioner to revoke, after hearing, any registration granted under this section or section 38a-88a. The fund manager or community development entity shall make a report on or before the first day of March in each year, under oath, to the Commissioner of Economic and Community Development and the Commissioner of Revenue Services specifying the name, address and Social Security number or employer identification number of each investor, the year during which each investment was made by each investor, the amount of each investment, a description of the fund's investment objectives and relative performance, or the entity's projects, as the case may be, and a description, including amounts, of all fees received by such manager or entity in relation to each such fund.

(2) Any manager of funds registered on or before July 1, 2000, pursuant to section 38a-88a shall be deemed registered as a fund manager for all purposes under the provisions of this section upon submission, in writing, to the commissioner of such manager's

intention to act as a manager of funds under this section. The commissioner may request from any such manager such information as the commissioner may require relating to such manager's financial responsibility, integrity, professional competence and experience in managing investment funds.

(e) Any taxpayer or fund manager, or community development entity wishing to make an investment under the provisions of this section shall apply to the commissioner in accordance with the provisions of this section. The application shall contain sufficient information to establish that the **[**investment**]** project in which the proposed investment will be made is an eligible industrial site investment project or an urban reinvestment project, as appropriate, and information concerning the type of investment proposed to be made, **[**its**]** the location of the project, the number of jobs to be created or retained, physical infrastructure that might be created or preserved, feasibility studies or business plans for the **[**investment**]** project, projected state and local revenue **[**the state**]** that might derive as a result of the **[**investment**]** project and other information necessary to demonstrate the financial viability of the **[**investment**]** project and to demonstrate that the investment will provide net benefits to the economy of, and employment for citizens of, the municipality and the state, **[**. In**]** and in the case of an eligible industrial site investment project, how such project will meet the standards of remediation of the Department of Environmental Protection. The commissioner shall impose a fee for such application as the commissioner deems appropriate.

(f) (1) The commissioner shall determine whether the project in which the proposed investment is to be made is an eligible urban reinvestment project or an eligible industrial site investment project, whether the **[**investment**]** project is economically viable only with use of the urban and industrial site reinvestment program, the effects of the project on the municipality where the investment will be made, and whether the project would provide a net benefit to economic

development and employment opportunities in the state and whether the project will conform to the state plan of conservation and development. The commissioner may require the **[**taxpayer**]** applicant to submit such additional information as may be necessary to evaluate the application.

(2) The commissioner shall prepare a revenue impact assessment that estimates the state and local revenue that would be generated as a result of the **[**investment**]** project. The commissioner shall prepare an economic feasibility study relative to such **[**investment**]** project. The commissioner may retain any such persons as the commissioner deems appropriate to conduct such revenue impact assessment or economic feasibility study.

(g) (1) The commissioner, upon consideration of the application, the revenue impact assessment and any additional information that the commissioner requires concerning a proposed investment, may approve an investment if the commissioner concludes that the project in which such investment is to be made is an eligible urban reinvestment project or an eligible industrial site investment project. If the commissioner rejects an application, the commissioner shall specifically identify the defects in the application and specifically explain the reasons for the rejection. The commissioner shall render a decision on an application not later than ninety days from its receipt. The amount of the investment so approved shall not exceed the amount of state revenue that will be generated according to the revenue impact assessment prepared under this subsection.

(2) The approval of an investment by the commissioner may be combined with the exercise of any of the commissioner's other powers, including, but not limited to, the provision of other forms of financial assistance.

(3) The commissioner shall require the applicant to reimburse the commissioner for all or any part of the cost of any revenue impact assessment or economic feasibility study used in reviewing the

application.

(h) Upon approving an investment, the commissioner shall issue a certificate of eligibility certifying that the applicant has complied with the provisions of this section.

(i) (1) There shall be allowed as a credit against the tax imposed under chapters 207 to 212a, inclusive, or section 38a-743, or a combination of said taxes, an amount equal to the following percentage of **[**the moneys of the taxpayer invested in an eligible urban investment or eligible industrial site investment approved by the commissioner**]** approved investments made by or on behalf of a taxpayer with respect to the following income years of the taxpayer: (A) With respect to the income year in which the investment in the eligible **[**urban reinvestment**]** project **[**or eligible industrial site investment project**]** was made and the two next succeeding income years, zero per cent; (B) with respect to the third full income year succeeding the year in which the investment in the eligible **[**urban reinvestment project or eligible industrial site investment**]** project was made and the three next succeeding income years, ten per cent; (C) with respect to the seventh full income year succeeding the year in which the investment in the eligible **[**urban reinvestment project or eligible industrial site investment**]** project was made and the next two succeeding years, twenty per cent. The sum of all tax credits granted pursuant to the provisions of this section shall not exceed one hundred million dollars with respect to a single eligible urban reinvestment project or a single eligible industrial site investment project approved by the commissioner. The sum of all tax credits granted pursuant to the provisions of this section shall not exceed five hundred million dollars.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any applicant may, at the time of application, apply to the commissioner for a credit that exceeds the limitations established by this subsection. The commissioner shall evaluate the benefits of such

application and make recommendations to the General Assembly relating to changes in the general statutes which would be necessary to effect such application if the commissioner determines that the proposal would be of economic benefit to the state.

(j) The credits allowed by this section may be claimed by a taxpayer who has made an investment (1) directly only if such investment has a total asset value of not less than twenty million dollars; **[**or**]** (2) through a fund managed by a fund manager registered under this section only if such fund: (A) Has a total asset value of not less than sixty million dollars for the income year for which the initial credit is taken; and (B) has not less than three investors who are not related persons with respect to each other or to any person in which any investment is made other than through the fund at the date the investment is made; or (3) through a community development entity.

(k) Each taxpayer claiming the credit allowed under this section shall submit to the Commissioner of Revenue Services a copy of the eligibility certificate issued under subsection (h) of this section with its tax return for each taxable year for which a credit is claimed.

(l) The tax credit allowed by this section, when made through a fund, shall only be available for investments in funds that are not open to additional investments or investors beyond the amount subscribed at the formation of the fund.

(m) (1) The Commissioner of Revenue Services may treat one or more corporations that are properly included in a combined corporation business tax return under section 12-223a as one taxpayer in determining whether the appropriate requirements under this section are met. Where corporations are treated as one taxpayer for purposes of this subsection, then the credit shall be allowed only against the amount of the combined tax for all corporations properly included in a combined return that, under the provisions of subdivision (2) of this subsection, is attributable to the corporations treated as one taxpayer.

(2) The amount of the combined tax for all corporations properly included in a combined corporation business tax return that is attributable to the corporations that are treated as one taxpayer under the provisions of this subsection shall be in the same ratio to such combined tax that the net income apportioned to this state of each corporation treated as one taxpayer bears to the net income apportioned to this state, in the aggregate, of all corporations included in such combined return. Solely for the purposes of computing such ratio, any net loss apportioned to this state by a corporation treated as one taxpayer or by a corporation included in such combined return shall be disregarded.

(n) Any taxpayer allowed a credit under this section may assign such credit to another taxpayer, provided such other taxpayer may claim such credit only with respect to a taxable year for which the assigning taxpayer would have been eligible to claim such credit and such other taxpayer may not further assign such credit. The taxpayer allowed such credit, **[**or**]** the fund manager or the community development entity shall file with the Commissioner of Revenue Services information requested by the commissioner regarding such assignments, including, but not limited to, the current holders of credits as of the end of the preceding calendar year.

(o) No taxpayer shall be eligible for a credit under (1) this section, and (2) section 12-217e or 38a-88a, for the same investment. No two taxpayers shall be eligible for any tax credit with respect to the same investment **[**, employee or facility**]** or the same project costs.

(p) Any credit not used in the income year for which it was allowed may be carried forward for the five immediately succeeding income years until the full credit has been allowed.

(q) Any tax credits approved under this section that would constitute in excess of twenty million dollars in total for a single investment shall be submitted by the Commissioner of Economic and Community Development to the joint standing committee of the

General Assembly having cognizance of matters relating to finance prior to the issuance of a certificate of eligibility for such investment. Said commissioner shall make a recommendation to the president pro tempore of the Senate and to the speaker of the House of Representatives regarding approval or disapproval of such project not later than thirty days after receiving such submission. If such submission is not disapproved by the House of Representatives or the Senate, or both, within sixty days of the submission date, the commissioner may issue such certificate.

(r) Not later than July first in each year that credits allowed by this section are claimed by a taxpayer with respect to an approved investment, the commissioner may retain such persons as said commissioner may deem appropriate to conduct a study to estimate the state revenue that is being and will be generated by **[**such investment**]** the eligible project in which such investment is made. Such economic impact study shall determine whether the state revenue actually generated by such **[**investment**]** eligible project is equal to the estimate of state revenue made at the time **[**such**]** the investment in such eligible project was approved. If the sum of all state revenue actually generated by such **[**investment**]** eligible project is less than the amount of the total sum of tax credits claimed with respect to the approved investment in such project on the date of such analysis, the commissioner may determine from the person retained pursuant to this subsection the applicable recapture amount and may revoke the certificate of eligibility issued under subsection (h) of this section. The commissioner may require the taxpayer, **[**or**]** the fund manager or community development entity that made such approved investment to reimburse the commissioner for all or any part of the cost of any economic impact study performed under this subsection.

(s) (1) Any taxpayer which has claimed credits allowed by this section related to an investment concerning which the commissioner has revoked the certificate of eligibility issued under subsection (h) of this section, shall be required to recapture such taxpayer's pro rata

share of the recapture amount as determined under the provisions of subdivision (2) of this subsection and no subsequent credit shall be allowed unless such certificate of eligibility is reinstated under the provisions of subdivision (3) of this subsection.

(2) If the taxpayer is required under the provisions of subdivision (1) of this subsection to recapture its pro rata share of the recapture amount during (A) the first year such credit was claimed, then ninety per cent of such share shall be recaptured on the tax return required to be filed for such year, (B) the second of such years, then sixty-five per cent of such share shall be recaptured on the tax return required to be filed for such year, (C) the third of such years, then fifty per cent of such share shall be recaptured on the tax return required to be filed for such year, (D) the fourth of such years, then thirty per cent of such share shall be recaptured on the tax return required to be filed for such year, (E) the fifth of such years, then twenty per cent of such share shall be recaptured on the tax return required to be filed for such year, and (F) the sixth or subsequent of such years, then ten per cent of such share shall be recaptured on the tax return required to be filed for such year. The Commissioner of Revenue Services may recapture such share from the taxpayer who has claimed such credits. If the commissioner is unable to recapture all or part of such share from such taxpayer, the commissioner may seek to recapture such share from any taxpayer who has assigned credits in an amount at least equal to such share to another taxpayer. If the commissioner is unable to recapture all or part of such share from any such taxpayer, the commissioner may recapture such share from any fund through which the investment was made.

(3) If the commissioner has revoked the certificate of eligibility issued under subsection (h) of this section, such certificate of eligibility shall be reinstated by the commissioner if, upon a request made by the taxpayer, **[**or**]** fund manager or community development entity who made such approved investment, an economic impact study conducted pursuant to subsection (r) of this section shall determine

that the sum of all state revenue actually generated by [such investment] the project in which such investment was made is greater than the amount of the total sum of tax credits claimed on the date of such analysis, provided no such request shall be made pursuant to this subsection during the calendar year in which such certificate was revoked. For the purpose of determining whether such certificate shall be reinstated, the commissioner shall, upon receipt of a request made under this subsection, obtain one such economic impact study per calendar year and may obtain additional such economic impact studies as the commissioner deems appropriate.

Sec. 123. For the fiscal year ending June 30, 2002, and each fiscal year thereafter, with the approval of the Office of Policy and Management, the Department of Social Services may credit to a nonlapsing account in the General Fund, and expend from such nonlapsing account, the amounts necessary for payment of the federal share of recoveries or overpayments established under the Aid to Families with Dependent Children program or Temporary Assistance to Needy Families.

Sec. 124. Section 13 of house bill 7503 of the current session is repealed and the following is substituted in lieu thereof:

A minor parent who is without a high school diploma or its equivalent, is not married and has a child who is at least twelve weeks of age, who is in such parent's care, shall be ineligible for temporary family assistance unless such parent is participating in educational activities directed toward the attainment of a high school diploma or its equivalent.

Sec. 125. Subsection (c) of section 17b-112 of the general statutes, as amended by section 12 of house bill 7503 of the current session, is repealed and the following is substituted in lieu thereof:

(c) A family who is subject to time-limited benefits may petition the Commissioner of Social Services for six-month extensions of such

benefits. The commissioner shall grant not more than three extensions to such family who has made a good faith effort to comply with the requirements of the program and despite such effort has a total family income at a level below the payment standard, or has encountered circumstances preventing employment including, but not limited to: (1) Domestic violence or physical harm to such family's children; or (2) other circumstances beyond such family's control. The commissioner shall disregard ninety dollars of earned income in determining applicable family income. The commissioner may grant a fourth or a subsequent six-month extension if each adult in the family meets one or more of the following criteria: (A) The adult is precluded from engaging in employment activities due to domestic violence or another reason beyond the adult's control; (B) the adult has two or more substantiated barriers to employment including, but not limited to, the lack of available child care, substance abuse or addiction, severe mental or physical health problems, one or more severe learning disabilities, domestic violence or a child who has a serious physical or behavioral health problem; (C) the adult is working thirty-five or more hours per **[**work**]** week, is earning at least the minimum wage and continues to earn less than the family's temporary family assistance payment standard; or (D) the adult is employed and works less than thirty-five hours per week due to (i) a documented medical impairment that limits the adult's hours of employment, provided the adult works the maximum number of hours that the medical condition permits, or (ii) the need to care for a disabled member of the adult's household, provided the adult works the maximum number of hours the adult's caregiving responsibilities permit. Families receiving temporary family assistance shall be notified by the department of the right to petition for such extensions. Notwithstanding the provisions of this section, the commissioner shall not provide benefits under the state's temporary family assistance program to a family that is subject to the twenty-one month benefit limit and has received benefits beginning on or after October 1, 1996, if such benefits result in that family's receiving more than sixty months of time-limited benefits

unless that family experiences domestic violence, as defined in Section 402(a)(7)(B), P.L. 104-193. For the purpose of calculating said sixty-month limit: (I) A month shall count toward the limit if the family receives assistance for any day of the month, and (II) a month in which a family receives temporary family assistance benefits that are issued from a **[**state**]** jurisdiction other than Connecticut shall count toward the limit.

Sec. 126. Subsection (q) of section 47 of house bill 7501 of the current session is amended to read as follows:

(q) For the fiscal year ending June 30, 2002, reimbursements received by the Department of Social Services for Medicaid Excess Costs made pursuant to subsection (a) of this section, shall be deposited in the General Fund, made available for expenditure, and credited as follows: (1) $2,500,000 to the Connecticut Pharmaceutical Assistance Contract to the Elderly account, to increase, on or after April 1, 2002, the income eligibility for such program for any eligible resident whose annual income, if unmarried, is less than twenty thousand dollars or whose annual income, if married, when combined with that of such resident's spouse, is less than twenty-seven thousand one hundred dollars; (2) $1,000,000 to the State Food Stamp Supplement account for continued intake; (3) $2,000,000 to continue various welfare and medical assistance programs for legal immigrants during the fiscal year ending June 30, 2002; (4) up to $1,000,000 of the funds in subdivision (3) of this subsection shall not lapse on June 30, 2002, and shall continue to be available for expenditure for such purpose during the fiscal year ending June 30, 2003; (5) the balance to the Medicaid account for the payment of Medicaid claims.

Sec. 127. Subsection (a) of section 17b-112c of the general statutes, as amended by section 17 of house bill 7503 of the current session, is repealed and the following is substituted in lieu thereof:

(a) Qualified aliens, as defined in Section 431 of Public Law 104-193, who do not qualify for federally-funded cash assistance, other lawfully

residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law shall be eligible for solely state-funded temporary family assistance or cash assistance under the state-administered general assistance program, provided other conditions of eligibility are met. An individual who is granted assistance under this section must pursue citizenship to the maximum extent allowed by law as a condition of eligibility unless incapable of doing so due to a medical problem, language barrier or other reason as determined by the Commissioner of Social Services. Notwithstanding the provisions of this section, any qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for assistance under this section. The commissioner shall not accept new applications for assistance under this subsection **[**as of the effective date of this section**]** after June 30, 2002.

Sec. 128. Section 69 of house bill 7503 of the current session is repealed and the following is substituted in lieu thereof:

This act shall take effect from its passage, except that sections 3 to 6, inclusive, **[**13,**]** 20 to 22, inclusive, 24, **[**25,**]** 27 to 31, inclusive, 36 to 38, inclusive, 42 to **[**66**]** 58, inclusive, 61 to 66, inclusive, and 68 shall take effect July 1, 2001, sections 59 and 60 shall take effect August 1, 2001, and sections 1, 2, 12, 13 14 to 16, inclusive, 23, 25 32 to 35, inclusive, 39 and 40 shall take effect October 1, 2001.

Sec. 129 Sections 12-62j and 12-382 of the general statutes, section 84 of senate bill 2001 of the current session, sections 41 to 47, inclusive, and 50 of senate bill 2003 of the current session and section 67 of house bill 7503 of the current session are repealed.

Sec. 130. This act shall take effect July 1, 2001.